

Journal of Cellular Biochemistry



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Contents

Federal Register

Vol. 64, No. 187

Tuesday, September 28, 1999

Agricultural Marketing Service

RULES

Onions (Vidalia) grown in—

Georgia, 52216–52219

Pears (Bartlett) grown in—

Oregon and Washington, 52214–52216

NOTICES

Okra (frozen); grade standards, 52266

Agriculture Department

See Agricultural Marketing Service

See Animal and Plant Health Inspection Service

See Forest Service

See Rural Utilities Service

Alcohol, Tobacco and Firearms Bureau

NOTICES

Commerce in explosives:

Explosive materials list; correction, 52378

Animal and Plant Health Inspection Service

RULES

Plant-related quarantine, domestic:

Mexican fruit fly, 52211–52212

Oriental fruit fly, 52213–52214

PROPOSED RULES

Viruses, serums, toxins, etc.:

Dog; definition, 52247–52248

Centers for Disease Control and Prevention

NOTICES

Meetings:

National Center for HIV, STD, and TB Prevention—

Directly-funded community-based organization
program summary document; consultation and
review, 52329

Coast Guard

RULES

Ports and waterways safety:

New York Harbor, Upper Bay, NY; safety zone, 52232–
52233

Commerce Department

See International Trade Administration

See National Oceanic and Atmospheric Administration

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 52291

Comptroller of the Currency

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52363–52370

Corporation for National and Community Service

NOTICES

Strategic plan; revisions; comment request, 52295

Defense Department

NOTICES

Meetings:

Women in Services Advisory Committee, 52296

Travel per diem rates, civilian personnel; changes, 52296–
52302

Education Department

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52303

Submission for OMB review; comment request, 52303–
52304

Employment Standards Administration

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52350–52351

Energy Department

See Energy Efficiency and Renewable Energy Office

See Federal Energy Regulatory Commission

NOTICES

Electricity export and import authorizations, permits, etc.:

Niagara Mohawk Energy Marketing, Inc., 52304

Energy Efficiency and Renewable Energy Office

PROPOSED RULES

Consumer products; energy conservation program:

Dishwashers; test procedures, 52248–52259

Environmental Protection Agency

RULES

Air quality implementation plans; approval and
promulgation; various States:

Connecticut, 52233–52238

North Dakota; correction, 52378

Hazardous waste:

Project XL program; site-specific projects—

University of Massachusetts et al.; university
laboratories, 52379–52396

Superfund program:

National oil and hazardous substances contingency
plan—

National priorities list update, 52238–52239

PROPOSED RULES

Air quality implementation plans; approval and
promulgation; various States:

Connecticut, 52265

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 52310–
52311

Clean Air Act:

Acid rain program—

Nitrogen oxides; permit modifications, 52311

Meetings:

Gulf of Mexico Program Management Committee, 52311

Federal Aviation Administration

RULES

Airworthiness directives:

Fokker, 52219–52221

McDonnell Douglas, 52221–52223

PROPOSED RULES

Airworthiness directives:

CFE Co., 52259–52260

Pilatus Aricraft Ltd., 52260-52263
Short Brothers and Harland Ltd., 52263-52265

Federal Communications Commission

RULES

Common carrier services:

Communications Assistance for Law Enforcement Act; implementation, 52244-52246

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 52311-52312

Number conservation measures; implementation petitions: New Hampshire, 52312-52313

Federal Deposit Insurance Corporation

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52363-52370, 52313-52314

Federal Emergency Management Agency

NOTICES

Disaster and emergency areas:

New Jersey, 52314-52315

New York, 52315-52316

North Carolina, 52316-52317

Pennsylvania, 52317

South Carolina, 52317-52318

Virginia, 52318-52319

Federal Energy Regulatory Commission

NOTICES

Applications, hearings, determinations, etc.:

Amoco Energy Trading Corp. et al., 52304-52305

Atlanta Gas Light Co., 52305

Central Hudson Gas & Electric Corp. et al., 52305

Kansas Pipeline Co., 52305

KN Interstate Gas Transmission Co., 52306

Koch Gateway Pipeline Co., 52306

Natural Gas Pipeline Co. of America, 52306

Northern Natural Gas Co., 52307

Northwest Pipeline Corp., 52307

PG&E Gas Transmission, Northwest Corp., 52308

Tennessee Gas Pipeline Co., 52308-52309

Transwestern Pipeline Co., 52309

Vidor Pipeline Co., 52309-52310

Williams Gas Pipelines Central, Inc., 52310

Federal Financial Institutions Examination Council

NOTICES

Banks and savings associations; external auditing programs; interagency policy statement, 52319-52327

Federal Railroad Administration

NOTICES

Exemption petitions, etc.:

Duluth, Missabe & Iron Range Railway Co., 52360

Federal Reserve System

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52363-52370

Proposed collection; comment request; correction, 52378

Banks and bank holding companies:

Formations, acquisitions, and mergers, 52327

Federal Trade Commission

NOTICES

Meetings:

Dial-around and other long-distance telecommunications services; advertising and marketing; joint public forum with FCC, 52328-52329

Fish and Wildlife Service

RULES

Migratory bird hunting:

Seasons, limits, and shooting hours; establishment, etc., 52397-52421

NOTICES

Meetings:

Klamath Fishery Management Council, 52340-52341

Klamath River Basin Fisheries Task Force, 52341

Food and Drug Administration

NOTICES

Agency information collection activities:

Proposed collection; comment request, 52329-52331

Meetings:

Reproductive Health Drugs Advisory Committee, 52331

Forest Service

NOTICES

Environmental statements; notice of intent:

Grand Mesa, Uncompahgre, and Gunnison National Forests, CO, 52266-52273

Southwestern Region, AZ, NM, TX, and OK; American peregrine falcon, etc.; habitat management standards and guidelines, 52274

Wasatch-Cache National Forest, UT and WY, 52274-52276

Jurisdictional transfers:

Wayne Natinal Forest, Oh; Willow Island Locks and Dam Project, 52276-52289

Geological Survey

NOTICES

Grant and cooperative agreement awards:

Aquatics, 52341

Grants and cooperative agreements; availability, etc.:

Species at Risk Program, 52341-52342

Health and Human Services Department

See Centers for Disease Control and Prevention

See Food and Drug Administration

See Health Care Financing Administration

See National Institutes of Health

See Substance Abuse and Mental Health Services Administration

NOTICES

Committees; establishment, renewal, termination, etc.:

Chronic Fatigue Syndrome Coordinating Committee, 52329

Health Care Financing Administration

NOTICES

Agency information collection activities:

Submission for OMB review; comment request, 52332

Medicare:

Hospice wage index; correction, 52377-52378

Housing and Urban Development Department

NOTICES

Organization, functions, and authority delegations:

Assistant Secretary for Public and Indian Housing, 52340

Interior Department

See Fish and Wildlife Service
 See Geological Survey
 See Land Management Bureau
 See Reclamation Bureau
 See Surface Mining Reclamation and Enforcement Office

International Trade Administration**NOTICES**

Agency information collection activities:
 Proposed collection; comment request, 52291–52292
 Antidumping:
 Hot-rolled lead and bismuth carbon steel products from—
 Germany, 52292
 Tapered roller bearings and parts, finished and
 unfinished, etc., from—
 Japan, 52293
 Export trade certificates of review, 52293–52294

Justice Department

See Parole Commission

RULES

Federal Bureau of Investigation; criminal justice
 information services systems and procedures, 52223–
 52230

NOTICES

Privacy Act:
 Systems of records, 52342–52349

Labor Department

See Employment Standards Administration
 See Occupational Safety and Health Administration

NOTICES

Meetings:
 Presidential Task Force on Employment of Adults with
 Disabilities, 52349–52350
 Senior Executive Service:
 Performance Review Board; membership, 52350

Land Management Bureau**RULES**

Coal management:
 Regional coal leasing process; public participation and
 regional coal team meetings; Federal Advisory
 Committee Act exemption, 52239–52243

Maritime Administration**NOTICES**

Applications, hearings, determinations, etc.:
 Sea-Land Service, Inc., et al., 52360–52361

National Credit Union Administration**NOTICES**

Agency information collection activities:
 Proposed collection; comment request, 52363–52370

National Highway Traffic Safety Administration**NOTICES**

Meetings:
 Safety performance standards; vehicle regulatory
 program, 52361–52362

National Institutes of Health**NOTICES**

Meetings:
 National Institute of Allergy and Infectious Diseases,
 52335
 National Institute of Dental and Craniofacial Research,
 52332, 52335

National Institute of Environmental Health Sciences,
 52332–52333
 National Institute of General Medical Sciences, 52333–
 52334
 National Institute of Neurological Disorders and Stroke,
 52333
 National Institute on Aging, 52336–52337
 National Institute on Drug Abuse, 52335–52336
 Scientific Review Center, 52337–52338

National Oceanic and Atmospheric Administration**NOTICES**

Natural resource damage assessment plans; availability,
 etc.:
 Alcoa Point Comfort/Lavaca Bay NPL Site, TX, 52294–
 52295

National Transportation Safety Board**NOTICES**

Meetings; Sunshine Act, 52352

Nuclear Regulatory Commission**NOTICES**

Meetings:
 Nuclear Waste Advisory Committee, 52352–52353
 Reactor Safeguards Advisory Committee, 52353–52354
 Reports and guidance documents; availability, etc.:
 Reactor licenses; foreign ownership, control, or
 domination; standard review plan, 52354–52359

Occupational Safety and Health Administration**NOTICES**

Agency information collection activities:
 Proposed collection; comment request, 52351–52352

Parole Commission**NOTICES**

Meetings; Sunshine Act, 52349

Public Health Service

See Centers for Disease Control and Prevention
 See Food and Drug Administration
 See National Institutes of Health
 See Substance Abuse and Mental Health Services
 Administration

Reclamation Bureau**NOTICES**

Meetings:
 Yakima River Basin Water Enhancement Project
 Conservation Advisory Group, 52342

Rural Utilities Service**NOTICES**

Agency information collection activities:
 Proposed collection; comment request, 52290
 Environmental statements; availability, etc.:
 M&A Electric Power Cooperative, Inc., 52290–52291

Social Security Administration**NOTICES**

Agency information collection activities:
 Proposed collection; comment request, 52359–52360

State Department**NOTICES**

Meetings:
 Shipping Coordinating Committee, 52360

Substance Abuse and Mental Health Services Administration**NOTICES**

Reports and guidance documents; availability, etc.:
Substance Abuse Treatment Center; Changing the Conversation; National Plan to Improve Substance Abuse Treatment; comment request, 52338-52339

Surface Mining Reclamation and Enforcement Office**RULES**

Permanent program and abandoned mine land reclamation plan submissions:
Oklahoma, 52230-52232

Surface Transportation Board**NOTICES**

Railroad services abandonment:
Salt Lake City Railroad Co., Inc., 52362-52363

Thrift Supervision Office**NOTICES**

Agency information collection activities:
Proposed collection; comment request, 52363-52370

Transportation Department

See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See Maritime Administration
See National Highway Traffic Safety Administration
See Surface Transportation Board

Treasury Department

See Alcohol, Tobacco and Firearms Bureau

See Comptroller of the Currency

See Thrift Supervision Office

NOTICES

Agency information collection activities:
Proposed collection; comment request, 52363-52371

Veterans Affairs Department**NOTICES**

Agency information collection activities:
Proposed collection; comment request, 52371-52372
Submission for OMB review; comment request, 52372-52374
Legal interpretations; General Counsel-precedent opinions:
Veterans' benefits under VA administered laws; summary, 52374-52376

Separate Parts In This Issue**Part II**

Environmental Protection Agency, 52379-52396

Part III

Department of Interior, Fish and Wildlife Service, 52397-52421

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

301 (2 documents)52211,
52213
93152214
95552216

9 CFR**Proposed Rules:**

10152247

10 CFR**Proposed Rules:**

43052248

14 CFR

39 (2 documents)52219,
52221

Proposed Rules:

39 (3 documents)52259,
52260, 52263

28 CFR

052223
1652223
2052223
5052223

30 CFR

93652230

33 CFR

16552232

40 CFR

52 (2 documents)52233,
52378
6052378
26252380
300 (2 documents)52238,
52239

Proposed Rules:

5252265

43 CFR

340052239
342052239

47 CFR

6452244

50 CFR

2052398

Rules and Regulations

Federal Register

Vol. 64, No. 187

Tuesday, September 28, 1999

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99-075-1]

Mexican Fruit Fly Regulations; Addition of Regulated Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Mexican fruit fly regulations by designating an area in San Bernardino and Riverside Counties, CA, as a regulated area. This action is necessary on an emergency basis to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. This action restricts the interstate movement of regulated articles from the regulated area in California.

DATES: This interim rule was effective September 22, 1999. We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99-075-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 99-075-1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737-1236; (301) 734-8247.

SUPPLEMENTARY INFORMATION:

Background

The Mexican fruit fly, *Anastrepha ludens* (Loew), is a destructive pest of citrus and many other types of fruit. The short life cycle of the Mexican fruit fly allows rapid development of serious outbreaks that can cause severe economic losses in commercial citrus-producing areas.

The Mexican fruit fly regulations (contained in 7 CFR 301.64 through 301.64-10 and referred to below as the regulations) were established to prevent the spread of the Mexican fruit fly to noninfested areas of the United States. The regulations impose restrictions on the interstate movement of regulated articles from the regulated areas. Prior to the effective date of this rule, the only areas in the United States regulated for the Mexican fruit fly were portions of Texas.

Section 301.64-3 provides that the Deputy Administrator for Plant Protection and Quarantine (PPQ), Animal and Plant Health Inspection Service (APHIS), shall list as a regulated area each quarantined State, or each portion of a quarantined State, in which the Mexican fruit fly has been found by an inspector, in which the Deputy Administrator has reason to believe the Mexican fruit fly is present, or that the Deputy Administrator considers necessary to regulate because of its proximity to the Mexican fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Mexican fruit fly occurs.

Less than an entire quarantined State is designated as a regulated area only if the Deputy Administrator determines that the State has adopted and is enforcing a quarantine or regulation that imposes restrictions on the intrastate movement of the regulated articles that

are substantially the same as those that are imposed with respect to the interstate movement of the articles and the designation of less than the entire State as a regulated area will otherwise be adequate to prevent the artificial interstate spread of the Mexican fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of PPQ reveal that a portion of San Bernardino County, CA, is infested with the Mexican fruit fly. Specifically, on August 20, 26, and 27, 1999, inspectors found three Mexican fruit flies in a residential area in San Bernardino County, CA.

Accordingly, to prevent the spread of the Mexican fruit fly to noninfested areas of the United States, we are amending the regulations in § 301.64-3(c) by designating an area in San Bernardino and Riverside Counties, CA, as a regulated area. A portion of Riverside County, CA, is included in the regulated area because of its proximity to the finding sites in San Bernardino County, CA. The regulated area is described in the rule portion of this document.

There does not appear to be any reason to designate any other portion of the quarantined State of California as a regulated area. Officials of State agencies of California are conducting an intensive Mexican fruit fly eradication program in the regulated area in California. Also, California has adopted and is enforcing regulations imposing restrictions on the intrastate movement of certain articles from the regulated area that are substantially the same as those imposed with respect to the interstate movement of regulated articles.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Mexican fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider

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

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This rule restricts the interstate movement of regulated articles from an area in San Bernardino and Riverside Counties, CA. Within the regulated area there are approximately 106 small entities that may be affected by this rule. These include 2 distributors, 62 fruit sellers, 19 growers, 1 landfill, 18 nurseries, 1 packer, 1 processor, and 2 swapmeets. These 106 entities comprise less than 1 percent of the total number of similar entities operating in the State of California. Additionally, these small entities sell regulated articles primarily for local intrastate, not interstate movement, so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments, that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

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

Executive Order 12372

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

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The assessment provides a basis for the conclusion that the methods employed to eradicate the Mexican fruit fly will not present a risk of introducing or disseminating plant pests and will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.64–3, paragraph (c) is amended by adding an entry for

California, in alphabetical order, to read as follows:

§ 301.64–3 Regulated areas.

* * * * *
(c) * * *

California

San Bernardino and Riverside Counties.
That portion of San Bernardino and Riverside Counties in the Bloomington area bounded by a line drawn as follows: Beginning at the intersection of Sierra Avenue and Foothill Boulevard; then east along Foothill Boulevard to Meridian Avenue; then south along Meridian Avenue to Mill Street; then east along Mill Street to Rancho Avenue; then south along Rancho Avenue to Laurel Street; then east along Laurel Street to Eighth Street; then south along Eighth Street to La Cadena Drive; then south along La Cadena Drive to Interstate Highway 10; then east along Interstate Highway 10 to Mount Vernon Avenue; then south along Mount Vernon Avenue to Interstate Highway 215; then southwest along Interstate Highway 215 to State Highway 91; then southwest along State Highway 91 to Mission Inn Avenue; then northwest along Mission Inn Avenue to Buena Vista Avenue; then northwest along Buena Vista Avenue to Mission Boulevard; then northwest along Mission Boulevard to Riverview Drive; then southwest along Riverview Drive to Limonite Avenue; then southwest along Limonite Avenue to Camino Real; then north along Camino Real to Red Mountain Drive; then west along Red Mountain Drive to Longs Peak Drive; then southwest along Longs Peak Drive to Tyrolite Street; then north along Tyrolite Street to Galena Street; then west along Galena Street to Agate Street; then north along Agate Street to Mission Boulevard; then west along Mission Boulevard to Pedley Road; then north along Pedley Road to Granite Hill Drive; then north along an imaginary line to the intersection of Cherry Avenue and Live Oak Avenue; then north along Live Oak Avenue to Boyle Avenue; then north along an imaginary line to the intersection of Washington Drive and Live Oak Avenue; then north along Live Oak Avenue to Valley Boulevard; then east along Valley Boulevard to Fontana Avenue; then northeast along Fontana Avenue to Citrus Avenue; then north along Citrus Avenue to Arrow Boulevard; then east along Arrow Boulevard to Sierra Avenue; then north along Sierra Avenue to the point of beginning.

* * * * *

Done in Washington, DC, this 22nd day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25178 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99-076-1]

Oriental Fruit Fly; Designation of Quarantined Area

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Oriental fruit fly regulations by quarantining a portion of Los Angeles County, CA, and restricting the interstate movement of regulated articles from the quarantined area. This action is necessary on an emergency basis to prevent the spread of the Oriental fruit fly into noninfested areas of the United States.

DATES: This interim rule was effective September 22, 1999. We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99-076-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238.

Please state that your comment refers to Docket No. 99-076-1.

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FOR FURTHER INFORMATION CONTACT: Mr. Michael B. Stefan, Operations Officer, Invasive Species and Pest Management Staff, PPQ, APHIS, 4700 River Road, Unit 134, Riverdale, MD 20737-1236; (301) 734-8247.

SUPPLEMENTARY INFORMATION:**Background**

The Oriental fruit fly, *Bactrocera dorsalis* (Hendel), is a destructive pest

of citrus and other types of fruit, nuts, and vegetables. The short life cycle of the Oriental fruit fly allows rapid development of serious outbreaks, which can cause severe economic losses. Heavy infestations can cause complete loss of crops.

The Oriental fruit fly regulations, contained in 7 CFR 301.93 through 301.93-10 (referred to below as the regulations), were established to prevent the spread of the Oriental fruit fly to noninfested areas of the United States. Section 301.93-3(a) provides that the Administrator will list as a quarantined area each State, or each portion of a State, in which, the Oriental fruit fly has been found by an inspector, in which the Administrator has reason to believe that the Oriental fruit fly is present, or that the Administrator considers necessary to regulate because of its proximity to the Oriental fruit fly or its inseparability for quarantine enforcement purposes from localities in which the Oriental fruit fly has been found. The regulations impose restrictions on the interstate movement of regulated articles from the quarantined areas. Quarantined areas are listed in § 301.93-3(c).

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of the regulated articles that are substantially the same as those imposed on the interstate movement of regulated articles and the designation of less than the entire State as a quarantined area will prevent the interstate spread of the Oriental fruit fly.

Recent trapping surveys by inspectors of California State and county agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) reveal that a portion of Los Angeles County, CA, is infested with the Oriental fruit fly. The Oriental fruit fly is not known to exist anywhere else in the continental United States except Florida.

State agencies in California have begun an intensive Oriental fruit fly eradication program in the quarantined area in Los Angeles County. Also, California has taken action to restrict the intrastate movement of regulated articles from the quarantined area.

Accordingly, to prevent the spread of the Oriental fruit fly to other States, we are amending the regulations in § 301.93-3 by designating as a quarantined area a portion of Los Angeles County, CA. The resulting quarantined area is described in the rule portion of this document.

Emergency Action

The Administrator of the Animal and Plant Health Inspection Service has determined that an emergency exists that warrants publication of this interim rule without prior opportunity for public comment. Immediate action is necessary to prevent the Oriental fruit fly from spreading to noninfested areas of the United States.

Because prior notice and other public procedures with respect to this action are impracticable and contrary to the public interest under these conditions, we find good cause under 5 U.S.C. 553 to make this action effective less than 30 days after publication. We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review process required by Executive Order 12866.

This action amends the Oriental fruit fly regulations by adding a portion of Los Angeles County, CA, to the list of quarantined areas. The regulations restrict the interstate movement of regulated articles from the quarantined area.

Within the quarantined portion of Los Angeles County, CA, there are approximately 219 entities that will be affected by this rule. All would be considered small entities. These include 1 airport, 5 caterers, 2 certified farmer's markets, 2 community gardens, 154 fruit sellers, 1 grower, 1 landfill, 52 nurseries, and 1 swapmeet. These small entities comprise less than 1 percent of the total number of similar small entities operating in the State of California. In addition, these small entities sell regulated articles primarily for local intrastate, not interstate, movement so the effect, if any, of this regulation on these entities appears to be minimal.

The effect on those few entities that do move regulated articles interstate will be minimized by the availability of various treatments that, in most cases, will allow these small entities to move regulated articles interstate with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant

Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

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

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this interim rule. The assessment provides a basis for the conclusion that the implementation of integrated pest management to achieve eradication of the Oriental fruit fly will not have a significant impact on human health and the natural environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact were prepared in accordance with: (1) The National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*), (2) regulations of the Council on Environmental Quality for implementing the procedural provisions of NEPA (40 CFR parts 1500–1508), (3) USDA regulations implementing NEPA (7 CFR part 1b), and (4) APHIS' NEPA Implementing Procedures (7 CFR part 372).

Copies of the environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under

FOR FURTHER INFORMATION CONTACT.

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

Accordingly, we are amending 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

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

Authority: 7 U.S.C. 147a, 150bb, 150dd, 150ee, 150ff, 161, 162, and 164–167; 7 CFR 2.22, 2.80, and 371.2(c).

2. In § 301.93–3, paragraph (c) is amended by adding an entry for Los Angeles County, CA, in alphabetical order, to read as follows:

§ 301.93–3 Quarantined areas.

* * * * *

(c) * * *

California

Los Angeles County. That portion of Los Angeles County in the Sun Valley area bounded by a line drawn as follows: Beginning at the intersection of Van Nuys Boulevard and Interstate Highway 210; then southeast along Interstate Highway 210 to La Tuna Canyon Road; then south along an imaginary line to the intersection of Allen Avenue and Mountain Drive; then southeast along Mountain Drive to Grandview Avenue; then southwest along Grandview Avenue to San Fernando Boulevard; then southeast along San Fernando Boulevard to State Highway 134; then west along State Highway 134 to Forest Lawn Drive; then southwest along Forest Lawn Drive to Barham Boulevard; then south along Barham Boulevard to Interstate Highway 101; then southeast along Interstate Highway 101 to Mulholland Drive; then west along Mulholland Drive to Coldwater Canyon Avenue; then north along Coldwater Canyon Avenue to Ventura Boulevard; then northwest along Ventura Boulevard to Van Nuys Boulevard; then north and northeast along Van Nuys Boulevard to the point of beginning.

* * * * *

Done in Washington, DC, this 22d day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25214 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 931

[Docket No. FV99–931–1 FR]

Fresh Bartlett Pears Grown in Oregon and Washington; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate established for the Northwest Fresh Bartlett Pear Marketing Committee (Committee) under Marketing Order No. 931 for the 1999–2000 and subsequent fiscal periods from \$0.02 to \$0.025 per standard box of fresh Bartlett pears handled. The Committee is responsible for local administration of the marketing order which regulates the handling of fresh Bartlett pears grown in Oregon and Washington. Authorization to assess fresh Bartlett pear handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The 1999–2000 fiscal period began July 1 and ends June 30. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: September 29, 1999.

FOR FURTHER INFORMATION CONTACT: Teresa L. Hutchinson, Northwest Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, room 369, Portland, OR 97204; telephone: (503) 326–2724, Fax: (503) 326–7440 or George J. Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 141 and Order No. 931 (7 CFR part 931), regulating the handling of fresh Bartlett pears grown in Oregon and Washington, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department of Agriculture (Department) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, fresh Bartlett pear handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable fresh Bartlett pears beginning July 1, 1999, and continue until modified, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule increases the assessment rate established for the Committee for the 1999-2000 and subsequent fiscal periods from \$0.02 to \$0.025 per standard box of fresh Bartlett pears handled.

The fresh Bartlett pear marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The Committee consists of eight grower members and six handler members, each of whom is familiar with the Committee's needs and with the

costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The budget and assessment rate were discussed at a public meeting and all directly affected persons have an opportunity to participate and provide input.

For the 1998-99 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate of \$0.02 per standard box that would continue in effect from fiscal period to fiscal period indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

The Committee met on June 3, 1999, and unanimously recommended 1999-2000 expenditures of \$77,231 and an assessment rate of \$0.025 per standard box of fresh Bartlett pears handled. In comparison, last year's budgeted expenditures were \$97,000. The assessment rate of \$0.025 is \$0.005 higher than the rate currently in effect. The Committee recommended an increased assessment rate because assessable 1999-2000 tonnage is expected to be less than the five-year average of 2,910,048 standard boxes, and the current rate will not generate enough income to adequately administer the program.

Major expenses recommended by the Committee for the 1999-2000 fiscal period include \$40,433 for salaries, \$5,323 for office rent, and \$4,048 for health insurance. Budgeted expenses for these items in 1998-99 were \$38,878, \$5,323, and \$4,062, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Bartlett pears. Fresh Bartlett pear shipments for the year are estimated at 2,630,450 standard boxes, which should provide \$65,761 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve and miscellaneous income, should be adequate to cover budgeted expenses. Funds in the reserve (currently \$23,604) will be kept within the maximum permitted by the order of approximately one fiscal year's operational expenses (\$931.42).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1999-2000 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, the AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,800 producers of fresh Bartlett pears in the production area and approximately 65 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000 and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000.

Currently, about 98.5 percent of the fresh Bartlett pear handlers ship less than \$5,000,000 worth of fresh Bartlett pears and 1.5 percent ship more than \$5,000,000 worth on an annual basis. In addition, based on acreage, production, and producer prices reported by the National Agricultural Statistics Service, and the total number of fresh Bartlett pear producers, the average annual producer revenue is approximately \$12,250. In view of the foregoing, it can be concluded that the majority of fresh Bartlett pear producers and handlers may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 1999–2000 and subsequent fiscal periods from \$0.02 to \$0.025 per standard box of fresh Bartlett pears handled. The Committee met on June 3, 1999, and unanimously recommended 1999–2000 expenditures of \$77,231 and an assessment rate of \$0.025 per standard box of fresh Bartlett pears handled. In comparison, last year's budgeted expenditures were \$97,000. The assessment rate of \$0.025 is \$0.005 more than the rate currently in effect. The Committee recommended an increased assessment rate because assessable 1999–2000 tonnage is expected to be smaller than the five-year average of 2,910,048 standard boxes, and the current rate will not generate enough income to adequately administer the program.

Major expenses recommended by the Committee for the 1999–2000 fiscal period include \$40,433 for salaries, \$5,323 for office rent, and \$4,048 for health insurance. Budgeted expenses for these items in 1998–99 were \$38,878, \$5,323, and \$4,062, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Bartlett pears. Fresh Bartlett pear shipments for the year are estimated at 2,630,450 standard boxes, which should provide \$65,761 in assessment income. Income derived from handler assessments, along with funds from the Committee's authorized reserve and miscellaneous income, should be adequate to cover budgeted expenses. The reserve is within the maximum permitted by the order of approximately one fiscal period's operational expenses (§ 931.42).

The Committee considered alternative levels of assessment but determined that, with the reduced estimate of assessable tonnage, increasing the assessment rate to \$0.025 per standard box would be appropriate. The Committee decided that an assessment rate of more than \$0.025 per standard box would generate income in excess of that needed to adequately administer the program.

A review of historical information and preliminary information pertaining to the upcoming crop indicates that the producer price for the 1999–2000 marketing season could range between \$8.56 and \$12.72 per standard box of fresh Bartlett pears handled. Therefore, the estimated assessment revenue for the 1999–2000 fiscal period as a percentage of total producer revenue should range between 0.29 and 0.20 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the fresh Bartlett pear industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 3, 1999, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large fresh Bartlett pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

A proposed rule concerning this action was published in the **Federal Register** on August 6, 1999 (64 FR 42858). The proposal was made available through the Internet by the Office of the Federal Register. A copy of the proposed rule was also mailed to the Committee's administrative office for distribution to producers and handlers. A 30-day comment period ending September 7, 1999, was provided for interested persons to respond to the proposal. No comments were received.

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

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 1999–2000 fiscal period began on July 1,

1999, and the order requires that the rate of assessment for each fiscal period apply to all assessable fresh Bartlett pears handled during such fiscal period; (2) the Committee needs to have sufficient funds to pay its expenses which are incurred on a continuous basis; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years. Also, a 30-day comment period was provided for in the proposed rule.

List of Subjects in 7 CFR Part 931

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 931 is amended as follows:

PART 931—FRESH BARTLETT PEARS GROWN IN OREGON AND WASHINGTON

1. The authority citation for 7 CFR part 931 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 931.231 is revised to read as follows:

§ 931.231 Assessment rate.

On and after July 1, 1999, an assessment rate of \$0.025 per western standard pear box is established for the Northwest Fresh Bartlett Pear Marketing Committee.

Dated: September 21, 1999.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99–25092 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 955

[Docket No. FV98–955–1 FIR]

Vidalia Onions Grown in Georgia; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule which decreases the assessment rate established for the Vidalia Onion Committee (Committee) for the 1998–99 and subsequent fiscal periods from

\$0.10 per 50-pound bag or equivalent to \$0.07 per 50-pound bag or equivalent of Vidalia onions handled. The Committee is responsible for local administration of the marketing order which regulates the handling of Vidalia onions grown in Georgia. Authorization to assess Vidalia onion handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The current fiscal period began September 16 and ends December 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Southeast Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883-2276; telephone: (941) 299-4770, Fax: (941) 299-5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698. Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698 or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 955, both as amended (7 CFR part 955), regulating the handling of Vidalia onions grown in Georgia, hereinafter referred to as the "order." The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Vidalia onion handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable Vidalia onions beginning September 16, 1998, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues to decrease the assessment rate established for the Committee for the 1998-99 and subsequent fiscal periods from \$0.10 per 50-pound bag or equivalent to \$0.07 per 50-pound bag or equivalent of Vidalia onions.

The Vidalia onion marketing order provides authority for the Committee, with the approval of the Department, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Vidalia onions. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1996-97 and subsequent fiscal periods, the Committee recommended, and the Department approved, an assessment rate of \$0.10 per 50-pound bag or equivalent that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the Committee or other information available to the Secretary.

An interim final rule decreasing the assessment rate to \$0.07 per 50-pound bag or equivalent was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Since then, another interim final rule was published in the **Federal Register** on September 3, 1999 (64 FR 48243), which changed the fiscal period under the Vidalia marketing order to January 1-December 31 from

September 16-September 15. The September 3, 1999, rule also extended the fiscal period which began September 15, 1998, through December 31, 1999. The rulemaking action changing the fiscal period does not affect the assessment rate decrease, which continues to apply unless modified, suspended, or terminated.

The Committee met on July 28, 1998, and unanimously recommended 1998-99 expenditures of \$373,577 and an assessment rate of \$0.07 per 50-pound bag or equivalent of Vidalia onions. In comparison, last year's budgeted expenditures were \$429,800. The assessment rate of \$0.07 is \$0.03 lower than the rate previously in effect. For the past two seasons, the Committee elected to refund excess funds to the handlers to reduce their costs. The Committee unanimously elected to reduce the assessment rate rather than continue the practice of refunding excess funds.

The major expenditures recommended by the Committee for the 1998-99 fiscal period include \$131,600 for marketing and promotion, \$75,000 for research, \$135,127 for program administration, and \$31,850 for compliance. Budgeted expenses for these items in 1997-98 were \$158,000, \$108,300, \$137,500, and \$26,000, respectively. Any changes recommended by the Board in the budgeted expenses for 1998-99 due to adding 3½ months to the fiscal period will be reviewed, and if appropriate, approved by the Department.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Vidalia onions. Vidalia onion shipments for 1998-99 are estimated at 3,300,000 50-pound bags or equivalents for the year, 15,000 50-pound bags or equivalents of green Vidalias, 1,385,000 50-pound bags or equivalents of storage Vidalias, and 100,000 50-pound bags or equivalents of storage onions from the previous season, which should provide \$336,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently \$174,073) will be kept within the maximum permitted by the order (approximately three fiscal periods' budgeted expenses; § 955.44).

The assessment rate will continue in effect indefinitely unless modified, suspended, or terminated by the Secretary upon recommendation and information submitted by the

Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the Department. Committee meetings are open to the public and interested persons may express their views at these meetings. The Department will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 1998-99 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by the Department.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are currently approximately 136 producers of Vidalia onions in the production area and approximately 101 handlers subject to regulation under the marketing order. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$5,000,000.

During the 1996-97 fiscal year, as a percentage, approximately 14 percent of the handlers shipped approximately 2,771,000 50-pound bags or equivalents of Vidalia onions and approximately 86 percent of the handlers shipped approximately 1,262,940 50-pound bags or equivalents. Using an average f.o.b. price of \$12.80 per 50-pound bag or equivalent, the majority of handlers could be considered small businesses under SBA's definition. The majority of Vidalia onion producers may be classified as small entities.

An interim final rule decreasing the assessment rate was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Since then, another interim final rule was published in the **Federal Register** on September 3, 1999 (64 FR 48243), which changed the fiscal period under the Vidalia marketing order to January 1-December 31 from September 16-September 15. The September 3, 1999, rule also extended the fiscal period which began September 15, 1998, through December 31, 1999. The rulemaking action changing the fiscal period does not affect the assessment rate decrease, which continues to apply unless modified, suspended, or terminated.

This rule continues to decrease the assessment rate established for the Committee and collected from handlers for the 1998-99 and subsequent fiscal periods from \$0.10 per 50-pound bag or equivalent to \$0.07 per 50-pound bag or equivalent of Vidalia onions. The Committee unanimously recommended 1998-99 expenditures of \$373,577 and an assessment rate of \$0.07 per 50-pound bag or equivalent. The assessment rate of \$0.07 is \$0.03 lower than the 1997-98 rate. The quantity of assessable Vidalia onions for the 1998-99 season is estimated at 4,800,000 50-pound bags or equivalents. Thus, the \$0.07 rate should provide \$336,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 1998-99 year include \$131,600 for marketing and promotion, \$75,000 for research, \$135,127 for program administration, and \$31,850 for compliance. Budgeted expenses for these items in 1997-98 were \$158,000, \$108,300, \$137,500, and \$26,000, respectively. Any changes recommended by the Board in its budgeted expenses for 1998-99 due to adding 3½ months to the fiscal period will be reviewed, and if appropriate, approved by the Department.

For the past two seasons, the Committee had refunded excess funds to the handlers to reduce their costs. The Committee unanimously elected to reduce the assessment rate rather than continue the practice of refunding excess funds.

The Committee reviewed and unanimously recommended 1998-99 expenditures of \$373,577 which included decreases in marketing and promotion and research. Prior to arriving at this budget, the Committee considered information from various

sources, such as the Committee's Budget Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the Vidalia onion industry. The assessment rate of \$0.07 per 50-pound bag or equivalent of assessable Vidalia onions was then determined by dividing the total recommended budget by the quantity of assessable Vidalia onions, estimated at 4,800,000 50-pound bags or equivalents for the 1998-99 season. This is approximately \$37,577 below the anticipated expenses, which the Committee determined to be acceptable. The difference between assessment income and budgeted expenses will be covered by income from interest and the Committee's authorized reserve.

A review of historical information and preliminary information pertaining to the 1998-99 fiscal period indicates that the f.o.b. price for the 1998-99 season could range between \$12.80 and \$15.25 per 50-pound bag or equivalent of Vidalia onions. Therefore, the estimated assessment revenue for the 1998-99 fiscal period as a percentage of total grower revenue could range between .46 and .55 percent.

This action continues to decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Vidalia onion industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the July 28, 1998, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This action imposes no additional reporting or recordkeeping requirements on either small or large Vidalia onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

As mentioned earlier, the interim final rule concerning this action was published in the **Federal Register** on September 25, 1998 (63 FR 51269). Copies of that rule were also mailed or sent via facsimile to all Vidalia onion handlers. Finally, the interim final rule

was made available through the Internet by the Office of the Federal Register. A 60-day comment period was provided for interested persons to respond to the interim final rule. The comment period ended on November 24, 1998, and no comments were received.

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

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 955

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 955 is amended as follows:

PART 955—VIDALIA ONIONS GROWN IN GEORGIA

Accordingly, the interim final rule amending 7 CFR part 955 which was published at 63 FR 51269 on September 25, 1998, is adopted as a final rule without change.

Dated: September 21, 1999.

Larry B. Lace,

Acting Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99-25091 Filed 9-27-99; 8:45 am]

BILLING CODE 3410-02-

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98-NM-346-AD; Amendment 39-11337; AD 99-20-07]

RIN 2120-AA64

Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD),

applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, that currently requires revising the Airplane Flight Manual to provide the flightcrew with instructions not to arm the lift-dumper system prior to commanding the landing gear to extend. This amendment requires modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the lift-dumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane.

DATES: Effective November 2, 1999.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of November 2, 1999.

ADDRESSES: The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW, suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Norman B. Martenson, Manager, International Branch, ANM-116, FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 98-11-02, amendment 39-10529 (63 FR 27197, May 18, 1998), which is applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, was published in the **Federal Register** on April 16, 1999 (64 FR 18840). The action proposed to require revising the Airplane Flight Manual (AFM) to provide the flightcrew with instructions not to arm the lift-dumper system prior to commanding the landing gear to extend. The action

also proposed to require modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG.

Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the two comments received.

Support for the Proposal

One commenter supports the proposed AD and another commenter generally supports the proposal.

Request To Extend the Compliance Time for the Modification

One commenter requests that the compliance time for accomplishment of the modification action specified by Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998 [as cited in paragraph (b) of the proposed AD], be extended from 6 to 12 months. The commenter contends that an extension of the compliance time is necessary to coincide with the 12-month compliance time specified in paragraph (c) of the proposed AD for accomplishment of the installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The commenter contends that failure to extend the compliance time to 12 months would force operators to take airplanes out of service specifically to accomplish the modification, and result in unnecessary operational costs.

The FAA does not concur with the commenter's request. The manufacturer has informed the FAA that its discussions with operators indicated that the modification could be accomplished prior to the compliance time recommended in Fokker Service Bulletin SBF100-32-067, which is March 1, 1999. Also, the related Dutch airworthiness directive specifies a parallel compliance time of 6 months. Therefore, the FAA finds a 6-month compliance time for accomplishing the modification to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety. However, under the provisions of paragraph (d) of the final rule, the FAA may consider requests for adjustments to the compliance time if data are submitted to substantiate that such an adjustment would provide an acceptable level of safety.

Conclusion

After careful review of the available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

Cost Impact

There are approximately 131 Model F.28 Mark 0070 and Mark 0100 series airplanes of U.S. registry that will be affected by this AD.

For all airplanes, the actions that are currently required by AD 98-11-02 take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the previously required actions on U.S. operators is estimated to be \$7,860, or \$60 per airplane.

There are approximately 127 airplanes of U.S. Registry that will require the modification and installation, and the new actions that are required by this new AD will take approximately 33 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts will cost between \$755 and \$1,236 per airplane. Based on these figures, the cost impact of the new requirements of this AD on U.S. operators is estimated to be between \$347,345 and \$408,432, or between \$2,735 and \$3,216 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted.

Regulatory Impact

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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory

Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption ADDRESSES.

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-10529 (63 FR 27197, May 18, 1998), and by adding a new airworthiness directive (AD), amendment 39-11337, to read as follows:

99-20-07 Fokker Services B.V.:

Amendment 39-11337. Docket 98-NM-346-AD. Supersedes AD 98-11-02, Amendment 39-10529.

Applicability: All Model F.28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent electromagnetic interference generated by electrical wiring that runs parallel to the wheelspeed sensor wiring, which could result in inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

Restatement of Requirements of AD 98-11-02, Amendment 39-10529

(a) Within 5 days after June 2, 1998 (the effective date of AD 98-11-02), revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM) in accordance with paragraphs (a)(1) and (a)(2) of this AD. This may be accomplished by inserting a copy of this AD in the AFM.

(1) Add the following information to section 5—NORMAL PROCEDURES, sub-Section APPROACH AND LANDING, after the subject APPROACH:

"BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.

Selecting Landing Gear DOWN after arming the liftdumper system may result in inadvertent deployment of the liftdumpers, because the liftdumper arming test may be partially ineffective."

(2) Add the following information to the LIMITATIONS section:

LIFTDUMPER SYSTEM

DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION."

New Requirements of this AD

Corrective Actions

(b) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998: Within 6 months after the effective date of this AD, modify the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) in accordance with Part 1, 2, 3, or 4 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 2: Modifications accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100-32-067, dated March 12, 1993, are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

(c) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-037, Revision 2, dated December 4, 1998: Within 12 months after the effective date of this AD, install new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG in accordance with Part 1, 2, or 3 of the Accomplishment Instructions of the service bulletin, as applicable.

Note 3: Installations accomplished prior to the effective date of this AD in accordance with Fokker Service Bulletin SBF100-32-037, dated November 12, 1990, or Revision 1, dated November 16, 1998, are considered acceptable for compliance with the requirements of paragraph (c) of this AD.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, FAA,

Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be

obtained from the International Branch, ANM-116.

Special Flight Permits

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

Note 5: The subject of this AD is addressed in Dutch airworthiness directives BLA 1998-100, dated August 31, 1998, and 1998-100/2, dated November 30, 1998.

Incorporation by Reference

(f) The actions shall be done in accordance with the following Fokker service bulletins, as applicable, which contain the specified effective pages:

Service bulletin referenced	Page No.	Revision level shown on page	Date shown on page
SBF100-32-067	1-6	1	July 6, 1998.
	7-54	Original	March 12, 1993.
	1-3	2	Dec. 4, 1998.
	4-18	1	Nov. 16, 1998.

This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw-Vennep, The Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW, Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(g) This amendment becomes effective on November 2, 1999.

Issued in Renton, Washington, on September 21, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-25021 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NM-216-AD; Amendment 39-11338; AD 99-20-08]

RIN 2120-AA64

Airworthiness Directives; McDonnell Douglas Model MD-11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model MD-11 series airplanes. This action prohibits installation of a certain In-flight Entertainment Network system. This amendment is prompted by the results of a special certification review of the in-flight entertainment system installed on a Model MD-11 series airplane that was involved in a recent

accident. The actions specified in this AD are intended to prevent possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could impair their ability to correctly identify the source of the smoke/fumes and subsequently affect the continued safe flight and landing of the airplane.

DATES: Effective October 13, 1999.

Comments for inclusion in the Rules Docket must be received on or before November 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM-114, Attention: Rules Docket No. 99-NM-216-AD, 1601 Lind Avenue, SW., Renton, Washington 98055-4056.

Information pertaining to this AD may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Elvin Wheeler, Aerospace Engineer, ANM-130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712; telephone (562) 627-5344; fax (562) 627-5210.

SUPPLEMENTARY INFORMATION: On September 2, 1998, a McDonnell Douglas Model MD-11 series airplane was involved in an accident near Halifax, Nova Scotia. To date, causal factors of the accident have not been determined; however, the National Transportation Safety Board is assisting Canadian authorities in determining the cause of the accident. It is known that smoke in the flight deck had been reported by the flightcrew, and there were indications of heat damage to

electrical wires in the recovered wreckage.

In the early phases of the accident investigation, interest was focused on the in-flight entertainment (IFE) system installed aboard the accident airplane. The IFE system installed on the accident airplane is known as the In-Flight Entertainment Network (IFEN). The modification of the MD-11 airplane involving the installation of the IFEN system was accomplished under the authority of Switzerland's Federal Office for Civil Aviation (FOCA). The basis for FOCA's certifying the IFEN system in Switzerland was FAA Supplemental Type Certificate (STC) No. ST00236LA-D. That STC was issued by Santa Barbara Aerospace (SBA) under its authority as an FAA Designated Alteration Station (DAS).

The FAA conducted a special certification review of the IFEN system approved by STC No. ST00236LA-D in order to determine if any unsafe design or unsafe installation features exist in connection with the IFEN system. The review identified two areas of concern, both relating to IFEN system electrical power and the airplane crew's ability to remove electrical power from it when necessary. There is no indication that the areas of concern identified by the FAA as a result of the special certification review are related to the cause of the accident. The Canadian authorities have not yet determined the cause of the accident.

The current design of the IFEN system electrical power switching is not compatible with the design concept of the MD-11 airplane with regard to the response by the flightcrew to a cabin or flight deck smoke/fumes emergency. In addition, the current IFEN system design does not provide the flightcrew and/or cabin crew with the ability to remove electrical power by a means other than pulling the system's circuit breakers. The airplane manufacturer's

design concept of the airplane results in power being removed from the main cabin systems when the "CAB BUS" switch is engaged during a smoke/fumes emergency. However, the design of the IFEN system installation circumvented flightcrew procedures for responding to a smoke/fumes emergency by connecting the IFEN system to an electrical bus that is not de-energized when the "CAB BUS" switch is activated. Although the power to the IFEN system would eventually be removed via activation of the SMOKE ELEC/AIR rotary switch, the flightcrew would expect that selection of the "CAB BUS" switch would isolate all non-essential power to the cabin. Also, the cabin crew is able to only deactivate individual in-seat video displays (ISVD) from the IFEN system management terminal, deactivation does not remove electrical power from the ISVD's and other IFEN system components. These conditions, if not corrected, could result in possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could subsequently impair their ability to correctly identify the source of the smoke/fumes and subsequently affect the continued safe flight and landing of the airplane.

At the present time, the IFEN approved by STC ST00236LA-D is not installed on any airplane of U.S. registry, and the STC holder has surrendered the STC to the FAA. Nevertheless, because the data were FAA-approved, it is possible that in the future an operator, in reliance on that approval, may decide to install the IFEN on its airplane. Therefore, an AD is necessary to prevent such installation.

Explanation of Requirements of the Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design, this AD is being issued to prohibit installation of an In-flight Entertainment Network system approved by STC ST00236LA-D.

Cost Impact

None of the Model MD-11 series airplanes affected by this action are on the U.S. Register. All airplanes included in the applicability of this rule currently are operated by non-U.S. operators under foreign registry; therefore, they are not directly affected by this AD action. However, the FAA considers that this rule is necessary to ensure that the unsafe condition is addressed in the event that any of these subject airplanes are imported and placed on the U.S. Register in the future.

Since a specific modification commensurate with the requirements of this AD has not yet been developed, the FAA is unable at this time to provide specific information as to the number of work hours or cost of parts that would be required to accomplish actions associated with amendments to STC ST00236LA-D.

As indicated earlier in this preamble, the FAA specifically invites the submission of comments and other data regarding this economic aspect of this proposal.

Determination of Rule's Effective Date

Since this AD action does not affect any airplane that is currently on the U.S. register, it has no adverse economic impact and imposes no additional burden on any person. Therefore, prior notice and public procedures hereon are unnecessary and the amendment may be made effective in less than 30 days after publication in the **Federal Register**.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NM-216-AD." The

postcard will be date stamped and returned to the commenter.

Regulatory Impact

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, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

99-20-08 McDonnell Douglas: Amendment 39-11338. Docket 99-NM-216-AD.

Applicability: All Model MD-11 series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an

alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent possible confusion as the flightcrew performs their duties in response to a smoke/fumes emergency, which could subsequently impair their ability to correctly identify the source of the smoke/fumes, and subsequently affect the continued safe flight and landing of the airplane, accomplish the following:

Modification

(a) As of the effective date of this AD, no person shall install on any airplane an In-Flight Entertainment Network (IFEN) in accordance with data approved by Supplemental Type Certificate (STC) ST00236LA-D, dated November 19, 1996; Amendment 1, dated December 18, 1996; Amendment 2, dated January 24, 1997; Amendment 3, dated February 3, 1997; Amendment 4, dated March 11, 1997; or Amendment 5, dated August 7, 1997.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

(d) This amendment becomes effective on October 13, 1999.

Issued in Renton, Washington, on September 21, 1999.

D.L. Riggins,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 99-25020 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF JUSTICE

28 CFR Parts 0, 16, 20, and 50

[AG Order No. 2258-99]

RIN 1105-AA63

Federal Bureau of Investigation, Criminal Justice Information Services Division Systems and Procedures

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: The United States Department of Justice (DOJ) is publishing a final rule amending DOJ regulations relating to criminal justice information systems of the Federal Bureau of Investigation (FBI). The regulations are being amended to implement the following programmatic and nomenclature changes: To permit access to criminal history record information (CHRI) and related information, subject to appropriate controls, by a private entity under a specific agreement with an authorized governmental agency to perform an administration of criminal justice function (privatization); to permit access to CHRI and related information, subject to appropriate controls, by a noncriminal justice governmental agency that is performing criminal justice dispatching functions or data processing/information services for a criminal justice agency; to acknowledge access to CHRI and related information by the National Instant Criminal Background Check System (NICS) under the Brady Handgun Violence Prevention Act of 1993; to add express authority for the Director of the FBI from time to time to determine and establish revised fee amounts; and to modernize language to ensure that the regulations accurately reflect current FBI practices, names of systems and programs, and addresses.

DATES: This rule is effective October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Harold M. Sklar, Attorney-Advisor, Federal Bureau of Investigation, CJIS Division, Module E-3, 1000 Custer Hollow Road, Clarksburg, West Virginia, 26306, telephone number (304) 625-2000.

SUPPLEMENTARY INFORMATION: The FBI manages two systems for the exchange of criminal justice information: The National Crime Information Center (NCIC) and the Fingerprint Identification Records System (FIRS). This rule implements changes to regulations relating to CHRI and related information maintained in these systems. The changes finalized in this

rule fall into five categories, discussed below.

1. Access to CHRI and Related Information, Subject to Appropriate Controls, by a Private Contractor Pursuant to a Specific Agreement With an Authorized Governmental Agency To Perform an Administration of Criminal Justice Function (Privatization)

Section 534 of title 28 of the United States Code authorizes the Attorney General to exchange identification, criminal identification, crime, and other records for the official use of authorized officials of the federal government, the states, cities, and penal and other institutions. This statute also provides, however, that such exchanges are subject to cancellation if dissemination is made outside the receiving departments or related agencies. Agencies authorized access to CHRI traditionally have been hesitant to disclose that information, even in furtherance of authorized criminal justice functions, to anyone other than actual agency employees out of concern that such disclosure could be viewed as unauthorized.

In recent years, however, governmental agencies seeking greater efficiency and economy have become increasingly interested in obtaining support services for the administration of criminal justice from the private sector. With the concurrence of the FBI's Criminal Justice Information Services Advisory Policy Board, the DOJ has concluded that disclosures to private persons and entities providing support services for criminal justice agencies may, when subject to appropriate controls, properly be viewed as permissible disclosures for purposes of compliance with 28 U.S.C. 534.

We are therefore revising 28 CFR 20.33(a)(7) to provide express authority for such arrangements. This authority is similar to the authority that already exists in 28 CFR 20.21(b)(3) for state and local CHRI systems. Provision of CHRI under this authority will only be permitted pursuant to a specific agreement with an authorized governmental agency for the purpose of providing services for the administration of criminal justice. The agreement will be required to incorporate a security addendum approved by the Director of the FBI (acting for the Attorney General). The security addendum will specifically authorize access to CHRI, limit the use of the information to the specific purposes for which it is being provided, ensure the security and confidentiality

of the information consistent with applicable laws and regulations, provide for sanctions, and contain such other provisions as the Director of the FBI (acting for the Attorney General) may require. The security addendum, buttressed by ongoing audit programs of both the FBI and the sponsoring governmental agency, will provide an appropriate balance among the benefits of privatization, protection of individual privacy interests, and preservation of the security of the FBI's CHRI systems.

The FBI will develop a security addendum to be made available to interested governmental agencies. We anticipate that the security addendum will include physical and personnel security constraints historically required by NCIC security practices and other programmatic requirements, together with personal integrity and electronic security provisions comparable to those in NCIC User Agreements between the FBI and criminal justice agencies, and in existing Management Control Agreements between criminal justice agencies and noncriminal justice governmental entities. The security addendum will make clear that access to CHRI will be limited to those officers and employees of the private contractor or its subcontractor who require the information in order properly to perform services for the sponsoring governmental agency, and that the service provider may not access, modify, use, or disseminate such information for inconsistent or unauthorized purposes.

2. Access to CHRI and Related Information, Subject to Appropriate Controls, by a Noncriminal Justice Governmental Agency Performing Criminal Justice Dispatching Functions or Data Processing/Information Services for a Criminal Justice Agency

Noncriminal justice governmental agencies are sometimes tasked to perform dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such delegated tasks involve the administration of criminal justice, the performance of those tasks does not convert an otherwise noncriminal justice agency into a criminal justice agency. This regulation authorizes the delegation of such tasks to noncriminal justice agencies if done pursuant to executive order, statute, regulation, or inter-agency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is

permitted access to CHRI to accomplish that limited function. 28 CFR 20.33(a)(6) and the appendix are revised in order to confirm the authority of these noncriminal justice governmental agencies to receive CHRI and related information when approved by the FBI, subject to appropriate controls that may be imposed by the FBI.

3. Access to CHRI and Related Information by the National Instant Criminal Background Check System (NICS)

The Brady Handgun Violence Prevention Act of 1993, Public Law 103-159, provides for the establishment of a National Instant Criminal Background Check System (NICS). Prior to transferring a firearm to a non-licensee, a federal firearm licensee must check the NICS (via a criminal justice agency) to see if the prospective transferee is prohibited under federal or state law from possessing a firearm. Because CHRI may contain information relevant to determining if possession of a firearm by a person is prohibited, the NICS will execute an NCIC check as part of each NICS query. Follow-up access to the FIRS may also be necessary to resolve questions of identity. 28 CFR 20.33(a)(5) is revised to confirm authority for the dissemination of CHRI and related information to criminal justice agencies for the conduct of background checks under the NICS.

4. Authority for the Director of the FBI Periodically To Revise Fee Amounts

Part 16, subpart C of title 28 of the Code of Federal Regulations establishes procedures by which an individual may obtain a copy of his or her identification record to review and may request a change, correction, or update to that record. Under 28 CFR 16.33, an individual requesting production of his or her identification record pays a fee of \$18 for each such request. The authority for this fee is the Independent Offices Appropriation Act (31 U.S.C. 9701), as implemented by guidelines issued by the DOJ, *User Fee Program* (Supplement, *Department of Justice Budget Formulation and Execution Calls*), and Office of Management and Budget (OMB) Circular Number A-25, Revised (July 8, 1993). These authorities generally require that a benefit or service provided to or for any person by a federal agency be self-sustaining to the fullest extent possible, that charges be fair and equitable, and that fee amounts be periodically reassessed and adjusted as warranted.

28 CFR 16.33 is revised by adding express authority for the Director of the FBI from time to time to determine and

establish a revised fee amount. The exercise of this authority by the Director of the FBI will be subject to all applicable laws, regulations, or directions of the Attorney General of the United States, and the Director of the FBI will publish in the **Federal Register** appropriate notice of revised fee amounts.

5. Update of Nomenclature and Addresses

Throughout the parts of title 28 affected by this rule, the language is modernized to reflect accurately current FBI practices, the current names of systems and programs, and the name and address of the new FBI facility in West Virginia where the systems are located. The broader term "fingerprints" has been substituted for "fingerprint cards" to encompass both "hard copy" fingerprint cards as well as the electronic submission of fingerprint data. The term "fingerprints" is further intended to encompass not only all depictions of physical fingerprints (for example, inked images, electronic images, and electronic encoding) but also all related biographical or other information typically appearing on a fingerprint card. The terms "computerized criminal history" and "CCH" are changed to "Interstate Identification Index" and "III." The FBI "Identification Division" is changed to "Criminal Justice Information Services Division" or "CJIS." "NCIC Advisory Policy Board" is changed to "CJIS Advisory Policy Board." Minor modifications are made to the definitions in 28 CFR part 20, subpart A; definitions are added for the terms "Control Terminal Agency," "criminal history records repository," "Federal Service Coordinator," "Fingerprint Identification Records System" (FIRS), "Interstate Identification Index System" (III System), "National Crime Information Center" (NCIC), "National Fingerprint File" (NFF), and "National Identification Index" (NII); the definition of "Department of Justice criminal history record information system" is eliminated; and the definitions are placed in alphabetical order.

In addition to the foregoing changes, the Department of Justice is currently reviewing additional changes to these regulations to be promulgated in future rulemaking. We note that 28 CFR part 20, subpart B, which also contains dated nomenclature and addresses, will not be directly changed by this rule. The Department of Justice may consider possible changes to 28 CFR part 20, subpart B at some later time.

Summary of Comments on the Proposed Rule

On May 10, 1999, the Department of Justice published in the **Federal Register** (64 FR 24972) a proposed rule that would amend the DOJ regulations to implement the changes discussed above. The period for submitting comments on the proposed rule expired on June 9, 1999.

The Department received three comment letters in response to the publication of the proposed rule. Two of these letters, one from a criminal justice consultant (formerly a police officer and police records manager) and the other from a national criminal justice consortium, endorsed the proposed revisions. One of these letters also suggested that future revisions to the regulations may be appropriate under the provisions of the National Crime Prevention and Privacy Compact Act of 1998 ("Compact Act"), Secs. 211-17, Pub. L. 105-251, 112 Stat. 1874-84. To the extent that the Compact Act, which addresses the sharing of criminal history record information for noncriminal justice purposes, is determined to be relevant to these regulations, the Department may consider appropriate changes at a later time.

The third letter, from a State Attorney General's office, asked whether direct terminal access to state and local criminal history record information systems is permitted by noncriminal justice agencies (public or private) under subpart B of part 20 of the regulation, given the proposed change to subpart C, § 20.33(a)(7). Subparts B and C address different criminal history record information systems—subpart B governs certain state and local systems, whereas subpart C governs FBI and interstate systems. As a result, changes to subpart C do not affect subpart B and the systems governed by that subpart. To the extent that the question is seeking advice on the proper interpretation of subpart B, the FBI is addressing the issue outside of the current rulemaking. The Department of Justice may consider possible changes to subpart B at some later time.

The third letter also asked whether the proposed regulation would permit a state governmental agency to outsource centralized recordkeeping functions for criminal history records and services. The proposed regulation permits the dissemination of criminal history record information to private contractors, pursuant to a specific agreement, with appropriate controls, for the purpose of providing services for the administration of criminal justice. The administration of criminal justice

includes criminal identification activities and the collection, storage, and dissemination of criminal history record information. (See the definition of "administration of criminal justice" in § 20.3(b).) Therefore, pursuant to the proposed regulation, a state criminal history record repository may contract with a private entity to maintain criminal history records and provide related services to authorized users for the state criminal history record repository under a specific agreement that incorporates the controls required by this final rule (§ 20.33(a)(7)).

Applicable Administrative Procedures and Executive Orders; Regulatory Flexibility Act

The Attorney General, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this final rule and, by approving it, certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Most of the matters addressed by this final rule relate to nomenclature changes and to intra- and intergovernmental authorities not involving the private sector, or to governmental interaction with individuals in non-business contexts. The one change that relates to the private sector provides expanded authority for the dissemination of criminal justice information to private entities with which authorized governmental agencies have contracted for criminal justice support services. Far from having any adverse effect on small entities, this change will, if anything, result in expanded opportunities for the private sector to conduct business with criminal justice agencies.

Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section (1)(b), Principles of Regulation. The Department of Justice has determined that this final rule is not a significant regulatory action under Executive Order 12866, section 3(f), and accordingly this final rule has not been reviewed by the Office of Management and Budget.

Executive Order 12612

This final rule will not have substantial, direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism

implications to warrant the preparation of a Federalism Assessment.

Unfunded Mandates Reform Act of 1995

This final rule will not result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This final rule is not a major rule as defined by the Small Business Regulatory Enforcement Fairness Act of 1996, 5 U.S.C. 804. This rule will not result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Paperwork Reduction Act of 1995

This final rule does not contain collection of information requirements. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, is not required.

Executive Order 12988: Civil Justice Reform

This final rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects

28 CFR Part 0

Authority delegations (Government agencies), Government employees, Organization and functions (Governmental agencies), Whistleblowing.

28 CFR Part 16

Administrative practice and procedure, Courts, Freedom of Information, Privacy, Sunshine Act.

28 CFR Part 20

Classified information, Crime, Intergovernmental relations, Investigations, Law enforcement, Privacy.

28 CFR Part 50

Administrative practice and procedure.

Accordingly, Title 28 of the Code of Federal Regulations is amended as follows:

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

1. The authority citation for part 0 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510, 515–519.

2. Amend § 0.85 as follows:

a. Remove the two references in paragraph (b) to “fingerprint cards” and add in their place the term “fingerprints”;

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

§ 0.85 General functions.

* * * * *

(j) Exercise the power and authority vested in the Attorney General to approve and conduct the exchanges of identification records enumerated at § 50.12(a) of this chapter.

* * * * *

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

3. The authority citation for part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717, 9701.

4. Section 16.30 is revised to read as follows:

§ 16.30 Purpose and scope.

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.

5. Section 16.31 is revised to read as follows:

§ 16.31 Definition of identification record.

An FBI identification record, often referred to as a “rap sheet,” is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the

agency submitting the fingerprints, the arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

6. Section 16.32 is amended by revising the first sentence to read as follows:

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306. * * *

7. Section 16.33 is amended by adding two sentences at the end of this section to read as follows:

§ 16.33 Fee for production of identification record.

* * * Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice relating to revised fee amounts shall be published in the **Federal Register**.

§ 16.34 [Amended]

8. Section 16.34 is amended as follows:

a. Remove the reference to the former address, from “Assistant Director” through zip code “20537–9700,” and add in its place the following new address: “FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D–2, 1000 Custer Hollow Road, Clarksburg, WV 26306”;

b. Remove the remaining reference to “FBI Identification Division” and add in its place “FBI CJIS Division.”

PART 20—CRIMINAL JUSTICE INFORMATION SYSTEMS

9. The authority citation for Part 20 continues to read as follows:

Authority: 28 U.S.C. 534; Pub. L. 92–544, 86 Stat. 1115; 42 U.S.C. 3711, *et seq.*, Pub. L. 99–169, 99 Stat. 1002, 1008–1011, as amended by Pub. L. 99–569, 100 Stat. 3190, 3196.

10–11. Section 20.1 is revised to read as follows:

§ 20.1 Purpose.

It is the purpose of these regulations to assure that criminal history record information wherever it appears is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.

12. Section 20.3 is revised to read as follows:

§ 20.3 Definitions.

As used in these regulations:

(a) *Act* means the Omnibus Crime Control and Safe Streets Act, 42 U.S.C. 3701, *et seq.*, as amended.

(b) *Administration of criminal justice* means performance of any of the following activities: Detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information.

(c) *Control Terminal Agency* means a duly authorized state, foreign, or international criminal justice agency with direct access to the National Crime Information Center telecommunications network providing statewide (or equivalent) service to its criminal justice users with respect to the various systems managed by the FBI CJIS Division.

(d) *Criminal history record information* means information collected by criminal justice agencies on individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal criminal charges, and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release. The term does not include identification information such as fingerprint records if such information does not indicate the individual’s involvement with the criminal justice system.

(e) *Criminal history record information system* means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information.

(f) *Criminal history record repository* means the state agency designated by the governor or other appropriate executive official or the legislature to perform centralized recordkeeping functions for criminal history records and services in the state.

(g) *Criminal justice agency* means:

(1) Courts; and

(2) A governmental agency or any subunit thereof that performs the administration of criminal justice pursuant to a statute or executive order, and that allocates a substantial part of its annual budget to the administration of criminal justice. State and federal Inspector General Offices are included.

(h) *Direct access* means having the authority to access systems managed by the FBI CJIS Division, whether by manual or automated methods, not requiring the assistance of or intervention by any other party or agency.

(i) *Disposition* means information disclosing that criminal proceedings have been concluded and the nature of the termination, including information disclosing that the police have elected not to refer a matter to a prosecutor or that a prosecutor has elected not to commence criminal proceedings; or disclosing that proceedings have been indefinitely postponed and the reason for such postponement. Dispositions shall include, but shall not be limited to, acquittal, acquittal by reason of insanity, acquittal by reason of mental incompetence, case continued without finding, charge dismissed, charge dismissed due to insanity, charge dismissed due to mental incompetency, charge still pending due to insanity, charge still pending due to mental incompetence, guilty plea, nolle prosequi, no paper, nolo contendere plea, convicted, youthful offender determination, deceased, deferred disposition, dismissed-civil action, found insane, found mentally incompetent, pardoned, probation before conviction, sentence commuted, adjudication withheld, mistrial-defendant discharged, executive clemency, placed on probation, paroled, or released from correctional supervision.

(j) *Executive order* means an order of the President of the United States or the Chief Executive of a state that has the force of law and that is published in a manner permitting regular public access.

(k) *Federal Service Coordinator* means a non-Control Terminal Agency that has a direct telecommunications line to the National Crime Information Center network.

(l) *Fingerprint Identification Records System* or "FIRS" means the following FBI records: Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities; civil fingerprints submitted by federal agencies and civil fingerprints

submitted by persons desiring to have their fingerprints placed on record for personal identification purposes; identification records, sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the FIRS; and a name index pertaining to all individuals whose fingerprints are maintained in the FIRS. See the FIRS Privacy Act System Notice periodically published in the **Federal Register** for further details.

(m) *Interstate Identification Index System* or "III System" means the cooperative federal-state system for the exchange of criminal history records, and includes the National Identification Index, the National Fingerprint File, and, to the extent of their participation in such system, the criminal history record repositories of the states and the FBI.

(n) *National Crime Information Center* or "NCIC" means the computerized information system, which includes telecommunications lines and any message switching facilities that are authorized by law, regulation, or policy approved by the Attorney General of the United States to link local, state, tribal, federal, foreign, and international criminal justice agencies for the purpose of exchanging NCIC related information. The NCIC includes, but is not limited to, information in the III System. See the NCIC Privacy Act System Notice periodically published in the **Federal Register** for further details.

(o) *National Fingerprint File* or "NFF" means a database of fingerprints, or other uniquely personal identifying information, relating to an arrested or charged individual maintained by the FBI to provide positive identification of record subjects indexed in the III System.

(p) *National Identification Index* or "NII" means an index maintained by the FBI consisting of names, identifying numbers, and other descriptive information relating to record subjects about whom there are criminal history records in the III System.

(q) *Nonconviction data* means arrest information without disposition if an interval of one year has elapsed from the date of arrest and no active prosecution of the charge is pending; information disclosing that the police have elected not to refer a matter to a prosecutor, that a prosecutor has elected not to commence criminal proceedings, or that proceedings have been indefinitely postponed; and information that there has been an acquittal or a dismissal.

(r) *State* means any state of the United States, the District of Columbia, the

Commonwealth of Puerto Rico, and any territory or possession of the United States.

(s) *Statute* means an Act of Congress or of a state legislature or a provision of the Constitution of the United States or of a state.

13. Subpart C is revised to read as follows:

Subpart C—Federal Systems and Exchange of Criminal History Record Information

Sec.

20.30 Applicability.

20.31 Responsibilities.

20.32 Includable offenses.

20.33 Dissemination of criminal history record information.

20.34 Individual's right to access criminal history record information.

20.35 Criminal Justice Information Services Advisory Policy Board.

20.36 Participation in the Interstate Identification Index System.

20.37 Responsibility for accuracy, completeness, currency, and integrity.

20.38 Sanction for noncompliance.

Subpart C—Federal Systems and Exchange of Criminal History Record Information

§ 20.30 Applicability.

The provisions of this subpart of the regulations apply to the III System and the FIRS, and to duly authorized local, state, tribal, federal, foreign, and international criminal justice agencies to the extent that they utilize the services of the III System or the FIRS. This subpart is applicable to both manual and automated criminal history records.

§ 20.31 Responsibilities.

(a) The Federal Bureau of Investigation (FBI) shall manage the NCIC.

(b) The FBI shall manage the FIRS to support identification and criminal history record information functions for local, state, tribal, and federal criminal justice agencies, and for noncriminal justice agencies and other entities where authorized by federal statute, state statute pursuant to Public Law 92-544, 86 Stat. 1115, Presidential executive order, or regulation or order of the Attorney General of the United States.

(c) The FBI CJIS Division may manage or utilize additional telecommunication facilities for the exchange of fingerprints, criminal history record related information, and other criminal justice information.

(d) The FBI CJIS Division shall maintain the master fingerprint files on all offenders included in the III System and the FIRS for the purposes of determining first offender status; to identify those offenders who are

unknown in states where they become criminally active but are known in other states through prior criminal history records; and to provide identification assistance in disasters and for other humanitarian purposes.

§ 20.32 Includable offenses.

(a) Criminal history record information maintained in the III System and the FIRS shall include serious and/or significant adult and juvenile offenses.

(b) The FIRS excludes arrests and court actions concerning nonserious offenses, e.g., drunkenness, vagrancy, disturbing the peace, curfew violation, loitering, false fire alarm, non-specific charges of suspicion or investigation, and traffic violations (except data will be included on arrests for vehicular manslaughter, driving under the influence of drugs or liquor, and hit and run), when unaccompanied by a § 20.32(a) offense. These exclusions may not be applicable to criminal history records maintained in state criminal history record repositories, including those states participating in the NFF.

(c) The exclusions enumerated above shall not apply to federal manual criminal history record information collected, maintained, and compiled by the FBI prior to the effective date of this subpart.

§ 20.33 Dissemination of criminal history record information.

(a) Criminal history record information contained in the III System and the FIRS may be made available:

(1) To criminal justice agencies for criminal justice purposes, which purposes include the screening of employees or applicants for employment hired by criminal justice agencies;

(2) To federal agencies authorized to receive it pursuant to federal statute or Executive order;

(3) For use in connection with licensing or employment, pursuant to Public Law 92-544, 86 Stat. 1115, or other federal legislation, and for other uses for which dissemination is authorized by federal law. Refer to § 50.12 of this chapter for dissemination guidelines relating to requests processed under this paragraph;

(4) For issuance of press releases and publicity designed to effect the apprehension of wanted persons in connection with serious or significant offenses;

(5) To criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS);

(6) To noncriminal justice governmental agencies performing

criminal justice dispatching functions or data processing/ information services for criminal justice agencies; and

(7) To private contractors pursuant to a specific agreement with an agency identified in paragraphs (a)(1) or (a)(6) of this section and for the purpose of providing services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information consistent with these regulations, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

(b) The exchange of criminal history record information authorized by paragraph (a) of this section is subject to cancellation if dissemination is made outside the receiving departments, related agencies, or service providers identified in paragraphs (a)(6) and (a)(7) of this section.

(c) Nothing in these regulations prevents a criminal justice agency from disclosing to the public factual information concerning the status of an investigation, the apprehension, arrest, release, or prosecution of an individual, the adjudication of charges, or the correctional status of an individual, which is reasonably contemporaneous with the event to which the information relates.

(d) Criminal history records received from the III System or the FIRS shall be used only for the purpose requested and a current record should be requested when needed for a subsequent authorized use.

§ 20.34 Individual's right to access criminal history record information.

The procedures by which an individual may obtain a copy of his or her identification record from the FBI to review and request any change, correction, or update are set forth in §§ 16.30-16.34 of this chapter. The procedures by which an individual may obtain a copy of his or her identification record from a state or local criminal justice agency are set forth in § 20.34 of the appendix to this part.

§ 20.35 Criminal Justice Information Services Advisory Policy Board.

(a) There is established a CJIS Advisory Policy Board, the purpose of which is to recommend to the FBI Director general policy with respect to the philosophy, concept, and operational principles of various criminal justice information systems managed by the FBI's CJIS Division.

(b) The Board includes representatives from state and local criminal justice agencies; members of the judicial, prosecutorial, and correctional segments of the criminal justice community; a representative of federal agencies participating in the CJIS systems; and representatives of criminal justice professional associations.

(c) All members of the Board will be appointed by the FBI Director.

(d) The Board functions solely as an advisory body in compliance with the provisions of the Federal Advisory Committee Act, Title 5, United States Code, Appendix 2.

§ 20.36 Participation in the Interstate Identification Index System.

(a) In order to acquire and retain direct access to the III System, each Control Terminal Agency and Federal Service Coordinator shall execute a CJIS User Agreement (or its functional equivalent) with the Assistant Director in Charge of the CJIS Division, FBI, to abide by all present rules, policies, and procedures of the NCIC, as well as any rules, policies, and procedures hereinafter recommended by the CJIS Advisory Policy Board and adopted by the FBI Director.

(b) Entry or updating of criminal history record information in the III System will be accepted only from state or federal agencies authorized by the FBI. Terminal devices in other agencies will be limited to inquiries.

§ 20.37 Responsibility for accuracy, completeness, currency, and integrity.

It shall be the responsibility of each criminal justice agency contributing data to the III System and the FIRS to assure that information on individuals is kept complete, accurate, and current so that all such records shall contain to the maximum extent feasible dispositions for all arrest data included therein. Dispositions should be submitted by criminal justice agencies within 120 days after the disposition has occurred.

§ 20.38 Sanction for noncompliance.

Access to systems managed or maintained by the FBI is subject to cancellation in regard to any agency or entity that fails to comply with the provisions of subpart C of this part.

14. The appendix to part 20 is amended by revising the commentary for subparts A and C to read as follows:

Appendix to Part 20—Commentary on Selected Sections of the Regulations on Criminal History Record Information Systems

Subpart A—§ 20.3(d). The definition of criminal history record information is intended to include the basic offender-based transaction statistics/III System (OBTS/III) data elements. If notations of an arrest, disposition, or other formal criminal justice transaction occurs in records other than the traditional “rap sheet,” such as arrest reports, any criminal history record information contained in such reports comes under the definition of this subsection.

The definition, however, does not extend to other information contained in criminal justice agency reports. Intelligence or investigative information (e.g., suspected criminal activity, associates, hangouts, financial information, and ownership of property and vehicles) is not included in the definition of criminal history information.

§ 20.3(g). The definitions of criminal justice agency and administration of criminal justice in § 20.3(b) of this part must be considered together. Included as criminal justice agencies would be traditional police, courts, and corrections agencies, as well as subunits of noncriminal justice agencies that perform the administration of criminal justice pursuant to a federal or state statute or executive order and allocate a substantial portion of their budgets to the administration of criminal justice. The above subunits of noncriminal justice agencies would include, for example, the Office of Investigation of the Food and Drug Administration, which has as its principal function the detection and apprehension of persons violating criminal provisions of the Federal Food, Drug and Cosmetic Act. Also included under the definition of criminal justice agency are umbrella-type administrative agencies supplying criminal history information services, such as New York’s Division of Criminal Justice Services.

§ 20.3(i). Disposition is a key concept in section 524(b) of the Act and in §§ 20.21(a)(1) and 20.21(b) of this part. It therefore is defined in some detail. The specific dispositions listed in this subsection are examples only and are not to be construed as excluding other, unspecified transactions concluding criminal proceedings within a particular agency.

§ 20.3(q). The different kinds of acquittals and dismissals delineated in § 20.3(i) are all considered examples of nonconviction data.

* * * * *

Subpart C—§ 20.31. This section defines the criminal history record information system managed by the Federal Bureau of Investigation. Each state having a record in the III System must have fingerprints on file in the FBI CJIS Division to support the III System record concerning the individual.

Paragraph (b) is not intended to limit the identification services presently performed by the FBI for local, state, tribal, and federal agencies.

§ 20.32. The grandfather clause contained in paragraph (c) of this section is designed, from a practical standpoint, to eliminate the necessity of deleting from the FBI’s massive files the non-includable offenses that were stored prior to February, 1973. In the event a person is charged in court with a serious or significant offense arising out of an arrest involving a non-includable offense, the non-includable offense will also appear in the arrest segment of the III System record.

§ 20.33(a)(3). This paragraph incorporates provisions cited in 28 CFR 50.12 regarding dissemination of identification records outside the federal government for noncriminal justice purposes.

§ 20.33(a)(6). Noncriminal justice governmental agencies are sometimes tasked to perform criminal justice dispatching functions or data processing/information services for criminal justice agencies as part, albeit not a principal part, of their responsibilities. Although such inter-governmental delegated tasks involve the administration of criminal justice, performance of those tasks does not convert an otherwise non-criminal justice agency to a criminal justice agency. This regulation authorizes this type of delegation if it is effected pursuant to executive order, statute, regulation, or interagency agreement. In this context, the noncriminal justice agency is servicing the criminal justice agency by performing an administration of criminal justice function and is permitted access to criminal history record information to accomplish that limited function. An example of such delegation would be the Pennsylvania Department of Administration’s Bureau of Consolidated Computer Services, which performs data processing for several state agencies, including the Pennsylvania State Police. Privatization of the data processing/information services or dispatching function by the noncriminal justice governmental agency can be accomplished pursuant to § 20.33(a)(7) of this part.

§ 20.34. The procedures by which an individual may obtain a copy of his manual identification record are set forth in 28 CFR 16.30–16.34.

The procedures by which an individual may obtain a copy of his III System record are as follows: If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification, and in accordance with applicable state and federal administrative and statutory regulations. Appropriate identification includes being fingerprinted for the purpose of insuring that he is the individual that he purports to be. The record on file will then be verified as his through comparison of fingerprints.

Procedure. 1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with

fingerprints previously taken which are on file locally and if the FBI identification number of the individual’s record is available to that agency, it can make an on-line inquiry through NCIC to obtain his III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual’s fingerprints on file locally, it is necessary for that agency to relate his prints to an existing record by having his identification prints compared with those already on file in the FBI, or, possibly, in the state’s central identification agency.

4. The subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in his record or provide the information needed to make the record complete.

§ 20.36. This section refers to the requirements for obtaining direct access to the III System.

§ 20.37. The 120-day requirement in this section allows 30 days more than the similar provision in subpart B in order to allow for processing time that may be needed by the states before forwarding the disposition to the FBI.

PART 50—STATEMENTS OF POLICY

15. The authority citation for part 50 continues to read as follows:

Authority: 5 U.S.C. 301; 28 U.S.C. 509, 510; and 42 U.S.C. 1921 *et seq.*, 1973c.

16. Section 50.12 is revised to read as follows:

§ 50.12 Exchange of FBI identification records.

(a) The Federal Bureau of Investigation, hereinafter referred to as the FBI, is authorized to expend funds for the exchange of identification records with officials of federally chartered or insured banking institutions to promote or maintain the security of those institutions and, if authorized by state statute and approved by the Director of the FBI, acting on behalf of the Attorney General, with officials of state and local governments for purposes of employment and licensing, pursuant to section 201 of Public Law 92–544, 86 Stat. 1115. Also, pursuant to 15 U.S.C. 78q, 7 U.S.C. 21 (b)(4)(E), and 42 U.S.C. 2169, respectively, such records can be exchanged with certain segments of the securities industry, with registered futures associations, and with nuclear power plants. The records also may be exchanged in other instances as authorized by federal law.

(b) The FBI Director is authorized by 28 CFR 0.85(j) to approve procedures relating to the exchange of identification

records. Under this authority, effective September 6, 1990, the FBI Criminal Justice Information Services (CJIS) Division has made all data on identification records available for such purposes. Records obtained under this authority may be used solely for the purpose requested and cannot be disseminated outside the receiving departments, related agencies, or other authorized entities. Officials at the governmental institutions and other entities authorized to submit fingerprints and receive FBI identification records under this authority must notify the individuals fingerprinted that the fingerprints will be used to check the criminal history records of the FBI. The officials making the determination of suitability for licensing or employment shall provide the applicants the opportunity to complete, or challenge the accuracy of, the information contained in the FBI identification record. These officials also must advise the applicants that procedures for obtaining a change, correction, or updating of an FBI identification record are set forth in 28 CFR 16.34. Officials making such determinations should not deny the license or employment based on information in the record until the applicant has been afforded a reasonable time to correct or complete the record, or has declined to do so. A statement incorporating these use-and-challenge requirements will be placed on all records disseminated under this program. This policy is intended to ensure that all relevant criminal record information is made available to provide for the public safety and, further, to protect the interests of the prospective employee/licensee who may be affected by the information or lack of information in an identification record.

Dated: September 16, 1999.

Janet Reno,

Attorney General.

[FR Doc. 99-24988 Filed 9-27-99; 8:45 am]

BILLING CODE 4410-02-p

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 936

[SPATS No. OK-020-FOR]

Oklahoma Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: OSM is approving an amendment to the Oklahoma regulatory program (Oklahoma program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Oklahoma proposed revisions to and additions of rules concerning burden of proof in civil penalty proceedings, petitions for review of proposed individual civil penalty assessments, permit conditions, verification of ownership or control application information, review of ownership or control and violation information, procedures for challenging ownership or control links shown in Applicant Violator System (AVS), and standards for challenging ownership or control links and the status of violation. Oklahoma intends to revise its program to be consistent with the corresponding Federal regulations.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135-6548. Telephone: (918) 581-6430. Internet: mwolfrom@mcrwgw.osmre.gov.

SUPPLEMENTARY INFORMATION:

- I. Background on the Oklahoma 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 on the Oklahoma Program

On January 19, 1981, the Secretary of the Interior conditionally approved the Oklahoma program. You can find background information on the Oklahoma program, including the Secretary's findings, the disposition of comments, and the conditions of approval in the January 19, 1981, **Federal Register** (46 FR 4902). You can find later actions concerning the Oklahoma program at 30 CFR 936.15 and 936.16.

II. Submission of the Proposed Amendment

By letter dated September 28, 1998 (Administrative Record No. OK-982), Oklahoma sent us an amendment to its program under SMCRA. Oklahoma proposed to amend the Oklahoma Administrative Code (OAC). Oklahoma sent the amendment in response to a letter dated January 6, 1997 (Administrative Record No. OK-977), that we sent to Oklahoma under 30 CFR 732.17(c). The amendment also includes

changes made at Oklahoma's own initiative.

We announced receipt of the amendment in the October 20, 1998, **Federal Register** (63 FR 55979). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. The public comment period closed on November 19, 1998. Because no one requested a public hearing or meeting, we did not hold one.

During our review of the amendment, we identified concerns relating to OAC 460:2-8-8, elements, burden of proof; OAC 460:2-8-9, decision by administrative hearing officer; OAC 460:2-8-10, petition for discretionary review; OAC 460:20-15-11, verification of ownership and control application information; OAC 460:20-15-12, review of ownership or control violation information; OAC 460:20-15-13, procedures for challenging ownership or control links in AVS; and OAC 460:20-15-14, standards for challenging ownership or control links and the status of violations. Further, we identified editorial concerns at OAC 460:2-8-10(f); OAC 460:20-15-11(a)(2)(B); OAC 460:20-15-13(d)(1); OAC 460:20-15-13(d)(2)(B); OAC 460:20-15-14(b)(1); OAC 460:20-15-14(d). We notified Oklahoma of these concerns by faxes dated December 3, 1998 and July 14, 1999 (Administrative Record Nos. OK-982.03 and OK-982.06, respectively).

By letters dated June 23, 1999, and July 20, 1999 (Administrative Record Nos. OK-982.05 and OK-982.07, respectively), Oklahoma sent us revisions to its program amendment. Based upon Oklahoma's revisions to its amendment, we reopened the public comment period in the August 10, 1999 **Federal Register** (64 FR 43327). The public comment period closed on August 25, 1999.

III. Director's Findings

Following, under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the amendment.

Any revisions that we do not discuss below are about minor wording changes, or revised cross-references and paragraph notations to reflect organizational changes resulting from this amendment.

A. Revisions to Oklahoma's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

as or similar to the corresponding sections of the Federal regulations. Differences between the State rules and the Federal regulations are minor.

The State rules listed in the table below contain language that is the same

Topic	State rule	Federal counterpart regulation
Burden of proof in civil penalty proceedings	OAC 460:2-7-6	43 CFR 4.1155.
Petitions for review of proposed individual civil penalty assessments.	OAC 460:2-8-1 through 10	43 CFR 4.1300 through 4.1309.
Verification of ownership or control application information.	OAC 460:20-15-11	30 CFR 773.22(a).
Review of ownership or control and violation information.	OAC 460:20-15-12	30 CFR 773.23.
Procedures for challenging ownership or control links shown in AVS.	OAC 460:20-15-13	30 CFR 773.24.
Standards for challenging ownership or control links and the status of violations.	OAC 460:20-15-14	30 CFR 773.25.

Because the above State rules have the same meaning as the corresponding Federal regulations, we find that they are no less effective than the Federal regulations.

B. OAC 460:20-15-7, Permit Conditions

Oklahoma proposes to remove paragraph 5 of this section which prohibits the discharge or discrimination of any employee or authorized representative of employees that files for or institutes any proceedings under the Act, testifies at any proceeding or investigation, or exercises any rights granted by the Act.

Section 703 of SMCRA prohibits reprisals against "whistleblower" employees. This provision is further implemented by 30 CFR Part 865 by requiring each employer conducting operations which are regulated under SMCRA to provide a copy of 30 CFR Part 865 to all current and new employees. However, States are not required to adopt a counterpart to 30 CFR Part 865. If a State does not adopt a counterpart, OSM is responsible for administering the requirements of 30 CFR Part 865. Oklahoma's removal of OAC 460:20-15-7(5) does not effect the Oklahoma program. Therefore, we approve Oklahoma's removal of this provision.

IV. Summary and Disposition of Comments

Public Comments

We requested public comments on the amendment, but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from various Federal agencies with an actual or potential interest in the

Oklahoma program (Administrative Record No. OK-982.12). By letter date October 30, 1998, the U.S. Army Corps of Engineers responded to our request by stating that it found Oklahoma's amendment satisfactory (Administrative No. OK-982.02).

Environmental Protection Agency (EPA)

Under 30 CFR 732.17(h)(11)(ii), we are required to get written agreement from the EPA for those provisions of the program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*).

None of the revisions that Oklahoma proposed to make in this amendment pertain to air or water quality standards. Therefore, we did not ask the EPA to agree on the amendment.

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from the EPA (Administrative Record No. OK-982.10). The EPA did not respond to our request.

State Historical Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On October 9, 1998, we requested comments on Oklahoma's amendment (Administrative Record No. OK-982.11), but neither responded to our request.

V. Director's Decision

Based on the above findings, we approve the amendment as sent to us by Oklahoma on September 28, 1998, and as revised on June 23, 1999 and July 20, 1999. We approve the rules that Oklahoma proposed with the provision

that they be published in identical form to the rules sent to and reviewed by OSM and the public.

To implement this decision, we are amending the Federal regulations at 30 CFR Part 936, which codify decisions concerning the Oklahoma program. We are making this final rule effective immediately to expedite the State program amendment process and to encourage Oklahoma to bring its program into conformity with the Federal standards. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12866

The Office of Management and Budget (OMB) exempts this rule from review under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each program is drafted and published by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on State regulatory programs and program amendments must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other

requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

This rule does not require an environmental impact statement since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior has determined 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.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Therefore, this rule will ensure that existing requirements previously published by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

OSM has determined and certifies under the Unfunded Mandates Reform Act (2 U.S.C. 1502 *et seq.*) that this rule will not impose a cost of \$100 million or more in any given year on local, state, or tribal governments or private entities.

List of Subjects in 30 CFR Part 936

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 15, 1999.

Charles E. Sandberg,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

For the reasons set out in the preamble, 30 CFR Part 936 is amended as set forth below:

PART 936—OKLAHOMA

1. The authority citation for Part 936 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

2. Section 936.15 is amended in the table by adding a new entry in chronological order by "Date of final publication" to read as follows:

§ 936.15 Approval of Oklahoma regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
*	*	*
September 28, 1998	September 28, 1999	OAC 460:2-7-6; 2-8; 20-15-11 through 14.

[FR Doc. 99-25188 Filed 9-27-99; 8:45 am]
BILLING CODE 4310-05-P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01-99-163]

RIN 2115-AA97

Safety Zone: Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay

AGENCY: Coast Guard, DOT.
ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Wedding on the Lady Windridge Fireworks Display located in Federal Anchorage 20C, New York Harbor, Upper Bay. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of Federal Anchorage 20C.

DATES: This rule is effective from 8 p.m. until 9:30 p.m., on Sunday, October 3, 1999. For rain dates, refer to the regulatory text set out in this rule.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at Coast Guard Activities New York, 212 Coast Guard Drive, room 205, Staten Island, New York 10305, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (718) 354-4193.

FOR FURTHER INFORMATION CONTACT: Lieutenant J. Lopez, Waterways Oversight Branch, Coast Guard Activities New York, (718) 354-4193.

SUPPLEMENTARY INFORMATION:

Regulatory History

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) was not published for this regulation. Good cause exists for not publishing an NPRM and for making this regulation effective less than 30 days after **Federal Register** publication. Due to the date the Application for Approval of Marine Event was received, there was insufficient time to draft and publish an NPRM and publish the final rule 30 days before its effective date. Any delay encountered in this regulations effective date would be contrary to public interest since immediate action is needed to close the waterway and protect the maritime public from the

hazards associated with this fireworks display.

Background and Purpose

Fireworks by Grucci Inc. has submitted an application to hold a fireworks program on the waters of Upper New York Bay in Federal Anchorage 20C. The fireworks program is being sponsored by Eye Patch Productions. This regulation establishes a safety zone in all waters of Upper New York Bay within a 360 yard radius of the fireworks barge in approximate position 40°41'16.5"N 074°02'23"W (NAD 1983), approximately 360 yards east of Liberty Island, New York. The safety zone is in effect from 8 p.m. until 9:30 p.m. on Sunday, October 3, 1999. The rain date for this event is Monday, October 4, 1999, at the same time and place. The safety zone prevents vessels from transiting a portion of Federal Anchorage 20C and is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Recreational and commercial vessel traffic will be able to anchor in the unaffected northern and southern portions of Federal Anchorage 20C. Federal Anchorages 20A and 20B, to the north, and Federal Anchorages 20D and 20E, to the south, are also available for vessel use. Marine traffic will still be

able to transit through Anchorage Channel, Upper Bay, during the event as the safety zone only extends 125 yards into the 925-yard wide channel. Public notifications will be made prior to the event via the Local Notice to Mariners and marine information broadcasts.

Regulatory Evaluation

This final rule is not a significant regulatory action under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. It has not been reviewed by the Office of Management and Budget under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979). The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary. This finding is based on the minimal time that vessels will be restricted from the zone, that vessels may safely anchor to the north and south of the zone, that vessels may still transit through Anchorage Channel during the event, and extensive advance notifications which will be made.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this final rule will have a significant economic impact on a substantial number of small entities. "Small entities" include small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

For reasons discussed in the Regulatory Evaluation above, the Coast Guard certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this final rule will not have a significant economic impact on a substantial number of small entities.

Collection of Information

This final rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Federalism

The Coast Guard has analyzed this final rule under the principles and criteria contained in Executive Order 12612 and has determined that this final rule does not have sufficient implications for federalism to warrant the preparation of a Federalism Assessment.

Unfunded Mandates

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) [Pub. L. 104-4, 109 Stat. 48] requires Federal agencies to assess the effects of certain regulatory actions on State, local, and tribal governments, and the private sector. UMRA requires a written statement of economic and regulatory alternatives for rules that contain Federal mandates. A Federal mandate is a new or additional enforceable duty imposed on any state, local, or tribal government, or the private sector. If any Federal mandate causes those entities to spend, in the aggregate, \$100 million or more in any one year, the UMRA analysis is required. This final rule does not impose Federal mandates on any state, local, or tribal governments, or the private sector.

Environment

The Coast Guard considered the environmental impact of this final rule and concluded that under figure 2-1, paragraph 34(g), of Commandant Instruction M16475.1C, this final rule is categorically excluded from further environmental documentation. A "Categorical Exclusion Determination" is available in the docket for inspection or copying where indicated under ADDRESSES.

List of Subjects in 33 CFR Part 165

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

Regulation

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

PART 165—[AMENDED]

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

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

2. Add temporary § 165.T01-163 to read as follows:

§ 165.T01-163 Safety Zone: Wedding on the Lady Windridge Fireworks, New York Harbor, Upper Bay.

(a) *Location.* The following area is a safety zone. All waters of New York Harbor, Upper Bay within a 160-yard radius of the fireworks barge in approximate position 40°41'16.5"N 074°02'23"W (NAD 1983), approximately 360 yards east of Liberty Island, New York.

(b) *Effective period.* This section is effective from 8 p.m. until 9:30 p.m. on

Sunday, October 3, 1999. If the event is canceled due to inclement weather, then this section is effective from 8 p.m. until 9:30 p.m. on Monday, October 4, 1999.

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

(2) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene-patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard.

Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: September 16, 1999.

R.E. Bennis,

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

[FR Doc. 99-25227 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-15-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT-053-7212a; A-1-FRL-6443-1]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving State Implementation Plan (SIP) revisions submitted by the Connecticut Department of Environmental Protection (CT, or DEP). This action consists of approving regulations in CT which are part of a regional nitrogen oxide (NO_x) reduction program designed to reduce stationary source NO_x emissions during the ozone season in the Ozone Transport Region (OTR) of the northeastern United States. Section 184(a) of the Clean Air Act defines an ozone transport region in the northeastern United States composed of the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia. Additionally, this action involves the approval of four source specific NO_x trading orders which allow specific units at major stationary sources to meet reasonably available control technology (RACT) requirements

through the use of emission reduction credits. These SIP revisions were submitted pursuant to section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 29, 1999 without further notice, unless EPA receives adverse comment by October 28, 1999. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Comments May be Mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, CT 02114-2023. Copies of the documents relevant to this action are available for public inspection during normal business hours, by appointment at the Office Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Steven A. Rapp, (617) 918-1048 or at Rapp.Steve@EPA.GOV.

SUPPLEMENTARY INFORMATION: The following questions will be covered in this section:

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?

(2) What was the basis for CT's regulation?

(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_x reductions?

B. NO_x RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_x RACT trading orders?

(2) What policy guidance was used to review the NO_x RACT trading orders?

II. Summary of SIP Revisions

A. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

(1) How much does section 22a-174-22a reduce NO_x?

(2) How does the program regulate NO_x emissions?

(3) How are emissions monitored in this program?

(4) When does the program begin?

(5) Where can you find more information regarding EPA's evaluation?

B. NO_x RACT Trading Orders

(1) What requirements do the NO_x RACT trading orders fulfill?

(2) When were CT's NO_x RACT regulations approved by EPA?

(3) What facilities are affected by the trading orders being acted on today?

(4) Where can you get more information regarding EPA's evaluation of the orders?

III. Issues

A. NO_x RACT Trading Orders

What issues are related to the approval of CT's NO_x RACT trading orders?

B. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

What issues are related to the approval of section 22a-174-22a?

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

I. Background

A. The OTC MOU Program

(1) What are the Clean Air Act requirements Connecticut is trying to meet in adopting this regulation?

Sections 182(b)(1)(A) and 182(c)(2)(A) of the CAA require States with areas classified as "moderate," "serious," and "severe" ozone nonattainment to submit revisions to their applicable SIPs to provide for specific annual reductions in emissions of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) as necessary to attain the national primary ambient air quality standard for ozone. Additionally, section 110 of the Act requires that such plans be subject to public notice, comment, and hearing procedures and that the States adopt and submit the plans to EPA.

(2) What was the basis for CT's regulation?

As part of CT's efforts to meet the CAA requirements, on July 27, 1998, CT submitted a request to revise its SIP by adding section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program." The regulation imposes a statewide and source-specific caps on NO_x emissions from certain industrial equipment (e.g., electric utility boilers, industrial boilers, combustion turbines, etc.). CT's section 22a-174-22a is based closely on a model rule which was developed using the EPA's economic incentive program rules (40 CFR 51.490-51.494) as the regulatory framework.

The model rule used by CT was developed by the Northeast States for Coordinated Air Use Management (NESCAUM) and the Mid-Atlantic Regional Air Management Association (MARAMA) entitled, "NESCAUM/MARAMA NO_x Budget Model Rule." The NESCAUM/MARAMA model rule was issued on May 1, 1996. The basis for the model rule was a memorandum of understanding entitled, "Memorandum of Understanding Among the States of the ozone Transport Commission on Development of a Regional Strategy Concerning the Control of Stationary Source Nitrogen Oxide Emissions," dated September 27, 1994, otherwise known as the "OTC MOU."

(3) What are the phases of the OTC's interstate Memorandum of Understanding on stationary source NO_x reductions?

The OTC MOU committed the MOU signatory States to require certain major stationary sources to reduce their NO_x emissions through several regulatory stages. The NO_x RACT regulations required by section 182 of the Clean Air Act have reduced emissions at major stationary sources of NO_x since 1995. Those reductions are considered "phase I" of the OTC program. Under "phase II" of the program, the MOU committed the signatory states to imposing a cap on regional NO_x emissions during the five month periods between May 1 through September 30 of 1999, 2000, 2001, and 2002. The third stage of the OTC program, i.e., "phase III," will tighten the regional cap and is set to begin on May 1, 2003 and continue in each ozone season thereafter.

B. NO_x RACT Trading Orders

(1) What are the Clean Air Act requirements Connecticut is trying to meet by issuing the NO_x RACT trading orders?

The Clean Air Act (CAA) requires that States develop Reasonably Available Control Technology (RACT) regulations for all major stationary sources of nitrogen oxides (NO_x) in areas which have been classified as "moderate," "serious," "severe," and "extreme" ozone nonattainment areas, and in all areas of the Ozone Transport Region (OTR). 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 (44 FR 53762; September 17, 1979). This requirement is established by sections 182(b)(2), 182(f), and 184(b) of the CAA.

Major sources in moderate areas are subject to section 182(b)(2), which

requires States to adopt RACT for all major sources of VOC. This requirement also applies to all major sources in areas with higher classifications.

Additionally, section 182(f) of the CAA states that "The plan provisions required under this subpart for major stationary sources of volatile organic compounds shall also apply to major stationary sources (as defined in section 302 and subsections (c), (d), and (e) of the section) of oxides of nitrogen." For serious nonattainment areas, a major source is defined by section 182(c) as a source that has the potential to emit 50 tons per year. For severe nonattainment areas, a major source is defined by section 182(d) as a source that has the potential to emit 25 tons per year. The entire State of Connecticut is designated as nonattainment for ozone, with the Connecticut portion of the New York-New Jersey-Long Island nonattainment area classified as severe, and with the rest of the State classified as serious.

(2) What policy guidance was used to review the NO_x RACT trading orders?

These CAA NO_x requirements are further described by EPA in a notice entitled, "State Implementation Plans; Nitrogen Oxides Supplement to the General Preamble; Clean Air Act Amendments of 1990 Implementation of Title I; Proposed Rule," published November 25, 1992 (57 FR 55620). The November 25, 1992 notice, also known as the "NO_x Supplement," should be referred to for more detailed information on NO_x requirements. Additional EPA guidance memoranda, such as those included in the "NO_x Policy Document for the Clean Air Act of 1990," (EPA-452/R-96-005, March 1996), should also be referred to for more information on NO_x requirements. Similarly, the preamble to the "Economic Incentive Program Rules," or EIP, (59 FR 16690, April 7, 1994) should be referred to for information on EPA's policy concerning the use of emissions trading by sources subject to NO_x RACT.

II. Summary of SIP Revisions

A. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

(1) How much does section 22a-174-22a reduce NO_x?

The CT NO_x Budget regulations are part of a regional NO_x reduction program designed to reduce large stationary source NO_x emissions during the ozone season in the OTR. CT's NO_x budget regulations set statewide, five month (May 1 through September 30) NO_x "budgets," or mass emission limits in tons. The regulation will reduce the aggregate emissions from large fossil fuel fired combustion equipment by

approximately 23% from a 1990 baseline.

(2) How does the program regulate NO_x emissions?

In order to achieve the aggregate NO_x reductions, the regulations proportion NO_x "allowances" (in tons) to the facilities with emission units subject to the program. The regulations require each owner or operator of each unit to hold, by December 31 of each year, at least as many NO_x allowances in their compliance account as total tons of NO_x emitted during the previous five month ozone season. Under these regulations, NO_x allowances may be bought or sold and unused allowances may be banked from one year to another in a central registry administered by EPA.

(3) How are emissions monitored in this program?

The program requires NO_x emissions to be monitored by either a continuous emission monitoring system (CEMS) or equivalent, although the use of alternatives is allowed where approved by the State and EPA.

(4) When does the program begin?

The program will begin on May 1, 1999. Starting in 2002 and occurring every three years after, an audit of the program will be conducted to ensure that the program is providing the expected reductions.

(5) Where can you find more information regarding EPA's evaluation?

Additional information concerning EPA's evaluation of CT's NO_x budget program regulations is detailed in the memorandum: Technical Support Document for Connecticut's Regulation 22a-174-22a "The Nitrogen Oxides (NO_x) Budget Program," dated June 7, 1999. Copies of the documents are available, upon request, from the EPA Regional Office listed in the ADDRESSES section of this document.

B. NO_x RACT Trading Orders

(1) What requirements do the NO_x RACT trading orders fulfill?

Subsection (j) of section 22a-174-22 allows sources to comply with the emission limitations in section 22a-174-22 through emissions trading. However, compliance through emission reduction credit trading is allowed only through a case-specific revision to the SIP. Therefore, each use of emissions trading for compliance with subsection (e) limits will be reviewed and processed as a separate regulatory action.

(2) When were CT's NO_x RACT regulations approved by EPA?

On October 6, 1997, EPA approved CT's NO_x RACT regulations, section 22a-174-22, and 22 NO_x RACT trading

orders. See 62 FR 52016, 40 CFR 52.370(c)(72).

(3) What facilities are affected by the trading orders being acted on today?

In 1997, CT submitted additional NO_x RACT trading orders for NO_x emitting units at four facilities: (1) Cytec Industries, Inc., in Wallingford; (2) AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; (3) Ogden Martin Systems, Inc., in Bristol; and (4) Connecticut Natural Gas Corporation in Rocky Hill. These orders involve the creation and use of NO_x credits as allowed under subsection 22a-174-22(j).

Each trading order allows the stationary source to control NO_x emissions from some units more than otherwise required so that other units may emit more than allowed without the trade. This is known as emissions averaging or "bubbling." Because more emissions would be reduced by the extra control at the credit generating units than would be added at the credit using units, the net result will be less emissions from the source than would occur without the trade, even with an allowance for uncertainty.

(4) Where can you get more information regarding EPA's evaluation of CT's orders?

For a more detailed discussion of Connecticut's submittals and EPA's action, the reader should refer to the Technical Support Document (TSD) entitled, "Technical Support Document for Connecticut's NO_x RACT Trading Orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; Ogden Martin Systems, Inc., in Bristol; and Connecticut Natural Gas Corporation in Rocky Hill" and the attachments which were developed as part of this action. Copies of the TSD and attachments are found at the previously mentioned addresses.

III. Issues

A. NO_x RACT Trading Orders

What issues are related to the approval of CT's NO_x RACT trading orders?

There are no issues associated with the NO_x RACT trading orders.

B. Section 22a-174-22a, The Nitrogen Oxides (NO_x) Budget Program

What issues are related to the approval of section 22a-174-22a?

One issue associated with the approval of the CT regulation is that the NO_x budget regulation currently contains a NO_x emissions budget and

allocation scheme only for 1999 through the ozone season of 2002, *i.e.*, "phase II" of the OTC NO_x Budget program.

However, the OTC MOU obliges CT to require its allowance program sources to make specific additional NO_x reductions by May 1, 2003 and continuing thereafter, *i.e.*, "phase III." Additionally, in September 1998, CT submitted attainment demonstrations for the two CT nonattainment areas which rely on the NO_x reductions associated with the OTC program in 2003 and beyond to achieve attainment with the one hour ozone standard.

In its current form, section 22a-174-22a is approvable for 1999, 2000, 2001, and 2002. However, in order to meet the interstate MOU and for CT to have a credible attainment demonstration, CT will need to amend its regulation to establish the NO_x caps during 2003 and beyond.

C. EPA's Rulemaking Action

What does "direct final rulemaking" mean?

Essentially, direct final rulemaking means that the EPA is publishing this rule without prior proposal. EPA is doing so because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This action will be effective November 29, 1999 without further notice unless the Agency receives adverse comments by October 28, 1999.

If the EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. The EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 29, 1999 and no further action will be taken on the proposed rule.

IV. Final Action

EPA is approving CT's regulation section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" and the case-specific trading orders for Cytec Industries, Inc., in Wallingford; AlliedSignal, Inc., and the U.S. Army Tank-Automotive and Armaments Command in Stratford; Ogden Martin Systems, Inc., in Bristol; and

Connecticut Natural Gas Corporation in Rocky Hill.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any State implementation plan. Each request for revision to the State implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

V. Administrative Requirements

A. Executive Order 12866

The Office of Management and Budget (OMB) has exempted this regulatory action from Executive Order (E.O.) 12866, entitled "Regulatory Planning and Review."

B. Executive Orders on Federalism

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

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

On August 4, 1999, President Clinton issued a new executive order on federalism, Executive Order 13132, (64 FR 43255 (August 10, 1999)), which will take effect on November 2, 1999. In the interim, the current Executive Order 12612, (52 FR 41685 (October 30, 1987)), on federalism still applies. This rule will 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, as specified in Executive Order 12612. The rule affects only one State, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act.

C. Executive Order 13045

Protection of Children from Environmental Health Risks and Safety Risks (62 FR 19885, April 23, 1997), applies to any rule that: (1) is determined to be "economically significant" as defined under E.O. 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to E.O. 13045 because it does not involve decisions intended to mitigate environmental health or safety risks and is not economically significant under E.O. 12866.

D. Executive Order 13084

Under E.O. 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities."

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of E.O. 13084 do not apply to this rule.

E. Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

Under sections 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act"), signed into law on March 22, 1995, EPA must prepare a budgetary impact statement to accompany any proposed or final rule that includes a Federal Mandate that may result in estimated costs to State, local, or tribal governments in the aggregate; or to the private sector, of \$100 million or more. Under section 205, EPA must select the most cost-effective and least burdensome alternative that achieves the objectives of the rule and is consistent with statutory requirements. Section 203 requires EPA to establish a plan for informing and advising any small governments that may be significantly or uniquely impacted by the rule.

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in

estimated costs of \$100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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**. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

H. Petitions for Judicial Review

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 November 29, 1999. 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).) EPA encourages interested parties to comment in response to the proposed rule rather than petition for judicial review, unless the objection arises after the comment period allowed for in the proposal.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Note: Incorporation by reference of the State Implementation Plan for the State of Connecticut was approved by the Director of the Federal Register on July 1, 1982.

Dated: September 15, 1999.

John P. DeVillars,

Regional Administrator, Region I.

Part 52 of 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 H—Connecticut

2. Section 52.370 is amended by adding paragraphs (c)(80) and (c)(82) to read as follows:

§ 52.370 Identification of plan

* * * * *

(c) * * *

(80) Revision to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on March 26, 1999.

(i) Incorporation by reference.

(A) Letter from the Connecticut Department of Environmental Protection dated March 26, 1999, submitting a revision to the Connecticut State Implementation Plan.

(B) Regulation section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" adopted on December 15, 1998, and effective on March 3, 1999.

(ii) Additional materials.

(A) Nonregulatory portions of the submittals.

* * * * *

(82) Revisions to the State Implementation Plan submitted by the Connecticut Department of Environmental Protection on July 11, 1997, September 12, 1997, and December 8, 1997.

(i) Incorporation by reference.

(A) Letters from the Connecticut Department of Environmental Protection dated July 11, 1997, September 12, 1997, and December 8, 1997, submitting revisions to the Connecticut State Implementation Plan.

(B) Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective on November 19, 1996.

(C) Trading Agreement and Order Number 8138 issued to Connecticut Natural Gas Corporation in Rocky Hill, effective on November 19, 1996.

(D) Trading Agreement and Order Number 8114 issued to Cytec Industries, Inc., in Wallingford, effective on December 20, 1996.

(E) Modification to Trading Agreement and Order Number 8138

issued to Connecticut Natural Gas Corporation effective June 25, 1997.
 (F) Modification to Trading Agreement and Order Number 8137 issued to AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford, effective July 8, 1997.
 (G) Trading Agreement and Order Number 8094 issued to Ogden Martin

Systems of Bristol, Inc., in Bristol, effective on July 23, 1997.
 (ii) Additional Materials.
 (A) Nonregulatory portions of the submittals.
 (B) Policy materials concerning the use of emission credits from New Jersey at Connecticut sources.
 3. In § 52.385, Table 52.385 is amended by revising existing entries in

state citations for section 22a-174-22, "Control of Nitrogen Oxides Emissions" and by adding a new entry to existing state citations for section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" to read as follows:

§ 52.385 EPA-approved Connecticut Regulations

* * * * *

TABLE 52.385—EPA-APPROVED RULES AND REGULATIONS

Connecticut state citation	Title/subject	Dates		Federal Register citation	52.370	Comments/description
		Date adopted by State	Date approved by EPA			
* 22a-174-22a	* Nitrogen Oxides (NO _x) Budget Program.	* 12/15/98	* 9/28/99	* [Insert FR citation from published date].	* (c)(80)	* Approval of NO _x cap and allowance trading regulations.
22a-174-22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert FR citation from published date].	(c)(82)	Case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a-174-22	Control of Nitrogen Oxides Emissions.	11/19/96	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Connecticut Natural Gas Corporation in Rocky Hill.
22a-174-22	Control of Nitrogen Oxides Emissions.	12/20/96	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Cytec Industries, Inc., in Wallingford.
22a-174-22	Control of Nitrogen Oxides Emissions.	6/25/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Amendments to case-specific trading order for Connecticut Natural Gas Corporation.
22a-174-22	Control of Nitrogen Oxides Emissions.	7/8/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Amendments to case-specific trading order for AlliedSignal, Inc., and U.S. Army Tank-Automotive and Armaments Command in Stratford.
22a-174-22	Control of Nitrogen Oxides Emissions.	7/23/97	9/28/99	[Insert FR citation FROM published date].	(c)(82)	Case-specific trading order for Ogden Martin Systems of Bristol, Inc., in Bristol.
*	*	*	*	*	*	*

[FR Doc. 99-25044 Filed 9-27-99; 8:45 am]
 BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL-6445-2]

National Oil and Hazardous Substances Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of deletion of the Lackawanna Refuse Superfund Site from the National Priorities List (NPL).

SUMMARY: The Environmental Protection Agency (EPA) announces the deletion of the Lackawanna Refuse Superfund Site

in Old Forge, Pennsylvania from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR part 300 which is the National Oil and Hazardous Substances Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. EPA and the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP), have determined that all appropriate Fund-financed responses under CERCLA have been implemented and that the Site poses no significant threat to public health or the environment and, therefore, further remedial measures pursuant to CERCLA are not appropriate. Moreover, EPA and the Commonwealth of Pennsylvania have determined that the remedial

actions conducted at the Site to date remain protective of public health, welfare, and the environment.

EFFECTIVE DATE: September 28, 1999.

ADDRESSES: Comprehensive information on this release is available for viewing at the Site information repositories at the following locations: U.S. EPA, Region 3, Regional Center for Environmental Information, U.S. Environmental Protection Agency, 1650 Arch Street, Philadelphia, PA 19103 (215) 814-5364. Old Forge Borough Hall, 312 South Main Street, Old Forge, PA 18518.

FOR FURTHER INFORMATION CONTACT: Andrea M. Lord (3HS21), U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, PA, 19103, (215) 814-5053.

SUPPLEMENTARY INFORMATION: The release to be deleted from the NPL is: Lackawanna Refuse Site, Old Forge, Pennsylvania.

A Notice of Intent to Delete for this Site was published on August 19, 1999 (64 FR 45222). The closing date for comments on the Notice of Intent to Delete was September 20, 1999. EPA received one comment, which is addressed in the Responsiveness Summary in the Deletion Docket.

The EPA identifies releases which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those releases. Releases on the NPL may be the subject of remedial actions financed by the Hazardous Substance Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any release deleted from the NPL remains eligible for further Fund-financed remedial actions should further conditions at the Site warrant such action.

Deletion of a release from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 21, 1999.

W. Michael McCabe,

Regional Administrator, U.S. EPA Region III.

For the reasons set out in the preamble, 40 CFR part 300 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, 191 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 Site: Lackawanna Refuse Site, Old Forge, Pennsylvania.

[FR Doc. 99–25134 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–6446–1]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List Update

AGENCY: Environmental Protection Agency.

ACTION: Notice of Deletion of Northwest Transformer (Mission/Pole Road) Site from the National Priorities List.

SUMMARY: The Environmental Protection Agency (EPA), Region 10, announces the deletion of the Northwest Transformer (Mission/Pole Road) Site from the National Priorities List (NPL). The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended. EPA and the State of Washington Department of Ecology have determined that no further cleanup under CERCLA is appropriate and that the selected remedy has been protective of human health and the environment.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Beverly Gaines, U.S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop ECL–110, Seattle, WA 98101, (206) 553–1066.

SUPPLEMENTARY INFORMATION: The site to be deleted from the NPL is: Northwest Transformer (Mission/Pole Road), Whatcom County, Washington.

A Notice of Intent to Delete for this site was published on August 25, 1999, (64 FR 46333). The closing date for comments was September 24, 1999. EPA received no comments.

EPA identifies sites which appear to present a significant risk to public health, welfare, or the environment and it maintains the NPL as the list of those sites. Sites on the NPL may be the subject of Hazardous Substance Response Trust Fund-financed remedial actions. Any site deleted from the NPL remains eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such action. Section 300.425 of the NCP states that Fund-financed actions may be taken at sites deleted from the NPL. Deletion of a site from the NPL does not affect responsible party liability or impede Agency efforts to recover costs associated with response efforts.

List of Subjects in 40 CFR Part 300

Environmental protection, Air pollution control, Chemicals, Hazardous substances, Hazardous waste, Intergovernmental relations, Penalties, Reporting and recordkeeping requirements, Superfund, Water pollution control, Water supply.

Dated: September 23, 1999.

Chuck Clarke,

Regional Administrator, Region 10.

For the reasons set out in the preamble, 40 CFR Part 300 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 “Northwest Transformer, Everson, Washington.”

[FR Doc. 99–25161 Filed 9–27–99; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Parts 3400 and 3420

[WO–320–3420–24 1A]

RIN 1004–AD27

Public Participation in Coal Leasing

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule.

SUMMARY: This final rule clarifies terms of a settlement agreement and a March 1995 law. In the settlement agreement, we agreed to establish procedures where the public may participate in the regional coal leasing process by regulations. In addition, this final rule amends the regulations to conform to statutory changes under the Unfunded Mandates Reform Act of 1995 exempting several types of meetings from Federal Advisory Committee Act requirements. This final rule exempts Regional Coal Team Meetings from the requirements of the Federal Advisory Committee Act in accordance with this law.

EFFECTIVE DATE: This rule is effective on October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Philip Allard, Solid Minerals Group,

Bureau of Land Management, Mail Stop 401LS, 1849 "C" Street, NW, Washington, DC 20240; telephone (202) 452-5195. Individuals who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339, 7 days a week, 24 hours a day, except holidays, for assistance to reach the above contact.

SUPPLEMENTARY INFORMATION:

Contents

- I. Background
- II. Responses to Comments
- III. Final Rule as Adopted
- IV. Procedural Matters

I. Background

This final rule satisfies terms of a settlement agreement negotiated in July 1997 and a March 1995 law. The Department of the Interior's coal leasing regulations were challenged in a lawsuit, *Natural Resources Defense Council, Inc., et al. v. Jamison, et al.*, Civil No. 82-2763 (D.D.C.). In December 1992, the court decided that the Department had not complied with section 202(f) of the Federal Land Policy and Management Act, (43 U.S.C. 1712(f)).

The court held that although the Bureau of Land Management's (BLM) competitive leasing handbook describes public participation procedures, the Department should establish these procedures by regulations. During the appeal process, the parties negotiated a settlement. In July 1997, the Department and the plaintiffs entered into a settlement agreement (Civil No. 82-2763 (D.C. Circuit No. 93-5029)).

In the settlement, the Department agreed to identify in our regulations the points where the public may participate in regional coal leasing decisions. The BLM already provides this information in its competitive leasing handbook; therefore, public participation opportunities in competitive leasing are not substantially altered.

On March 22, 1995, Congress passed the Unfunded Mandates Reform Act. Section 204(b) of this law (2 U.S.C. 1534) states that the requirements of the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix 1, do not apply to intergovernmental communications when:

- The meetings are exclusively between Federal officials and elected officers of State, local and tribal governments or their representatives; and
- The meetings are only to exchange views, information, or advice relating to Federal programs that share intergovernmental responsibilities.

The Office of the Solicitor of the Department of the Interior determined that these provisions exempt Regional Coal Team (RCT) meetings from the requirements of FACA. The final rule amends the reference and clarifies which portion of the FACA regulations apply to RCTs because existing regulations at subpart 3400 incorporate FACA regulations at subpart 1784.

The method BLM primarily uses to offer coal is to lease coal competitively. The two types of competitive leasing are "regional coal leasing" and "leasing-on-application." The Department of the Interior initiates the regional coal leasing process based on the demand for Federal coal, national energy needs, and other factors. BLM must determine whether to offer Federal coal lands for lease and which coal to offer. Since issues surrounding coal leasing can vary greatly from region to region, Federal coal production regions assist BLM in this determination by grouping together areas with similar issues. The leasing-on-application process is initiated by individuals or companies, unlike the regional coal leasing process which is Government initiated.

BLM must first begin the regional coal leasing process by creating a land use plan, in which BLM-managed lands are reviewed to determine, among other factors, the presence or absence of:

- Coal;
- Other resources that might preclude developing coal;
- Other uses for the land that might be preferable to coal development; and
- Any qualified surface owners who oppose or favor coal development.

This review allows BLM to identify the land that is acceptable for further consideration for coal leasing. Second, the Secretary sets the leasing level for the region after considering the land use plan, the amount of leasing interest in the region, national energy needs, and other factors. Third, BLM initiates "regional coal activity planning" during which BLM prepares environmental documents that analyze one or more combinations of tracts that equal the leasing level and other alternatives. Finally, the Secretary determines the lease sale schedule based on the environmental analysis, public comments, comments from State Governors, tribal governments, and other Federal agencies. The schedule includes the number of tracts which will be offered for lease and the timing of the lease sales.

Unlike the regional coal leasing process, the leasing-on-application process begins when an individual or company applies for a particular coal

deposit. There is no need to establish a leasing level because the amount of coal applied for provides the starting point for the amount of coal to be analyzed. There is also no leasing schedule because BLM usually offers coal tracts based on at most one or two applications in leasing-on-application lease sales. The RCT located in the applicable coal production region may review the applications and may make recommendations on the application. For a number of years, BLM has competitively leased Federal coal exclusively through the leasing-on-application process.

Regional coal teams are composed of BLM employees and State Governors or their designees in the States where the coal tracts are located. The RCTs recommend the leasing level for regional coal leasing, a target amount of coal that BLM may offer for sale, and the lease sale schedule to the BLM Director. The BLM Director makes recommendations to the Secretary of the Interior. The Secretary makes the final decision on leasing levels and a lease sale schedule, taking into account recommendations from the BLM Director, RCT, State Governors, and other interested and affected groups including members of the general public.

BLM divided Federally owned coal deposits into broad blocks called "Federal coal production regions." There are six Federal coal production regions located principally in the western United States. The Federal coal production regions are:

- The Southern Appalachian Region in northwestern Alabama;
- The Fort Union Region of eastern Montana and western North Dakota;
- The Green River-Hams Fork Region of northwestern Colorado and southern Wyoming;
- The Powder River Region of northeastern Wyoming and southeastern Montana;
- The San Juan Region of northwestern New Mexico and southwestern Colorado; and
- The Uinta-Southwestern Utah Region of eastern Utah and western Colorado.

BLM decertified the Federal coal production regions because we do not believe the demand for new Federal coal leases is sufficient to justify regional coal leasing at this time. RCTs will continue to meet on an ad hoc basis to advise BLM on lease-on-application coal sales.

II. Responses to Comments

On March 11, 1999, (64 FR 12142), BLM published the Public Participation

in Coal Leasing proposed rule in the **Federal Register**. The 60-day public comment period on the Public Participation in Coal Leasing proposed rule ended on May 10, 1999. We received no public comments on this proposed rule. However, BLM received four comment letters from its State Offices. One comment letter contained no substantive comments. We considered the other comments when finalizing this rule.

Comment: The commenter stated that some of the information in the case files studied by Regional Coal Teams (RCTs) is proprietary to various individuals and corporations and, therefore, should be withheld from disclosure.

Response: Proprietary information is protected from disclosure under the Freedom of Information Act (5 U.S.C. 552) and the regulations of the Department (43 CFR 2.13(c)). This rule makes no change to the way BLM handles proprietary data. Proprietary information submitted during the coal leasing process can still be protected from disclosure as described in 43 CFR 3420.1-2(b).

Comment: The commenter expressed concerns over whether BLM considered the requirements of the Executive Order on Environmental Justice (E.O. 12898) in finalizing these regulations.

Response: Environmental justice was one of the factors BLM considered when we evaluated the rule for compliance with the terms and conditions of the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*). Environmental justice is also one of the factors we consider when we evaluate Federal lands for coal leasing. This rule makes no change to the standards BLM will use when evaluating potential coal leases. BLM complies with the Executive Order on Environmental Justice during the preparation of our environmental assessment or environmental impact statement for a proposed coal lease sale.

Comment: One commenter proposed several changes to the text of the preamble which we did not consider to be substantive. However, the commenter also pointed out that the use of the phrase "BLM will publish a notice * * * for two consecutive weeks in a newspaper * * *" could be read to require us to publish such a notice 14 times if the newspaper happened to be a daily publication.

Response: BLM's intent is to have the notices described in the rule published two times, one week apart. We have changed the final rule in three places to more precisely express our intent.

III. Final Rule as Adopted

BLM adopts the amendments to 43 CFR Parts 3400 and 3420 in the proposed rule which was published in the **Federal Register** on March 11, 1999, (64 FR 12142), as a final rule except for the changes described below for three sections.

Section 3420.3-4 Regional Tract Ranking, Selection, Environmental Analysis and Scheduling

The language in the proposed rule for § 3420.304(d) stated that we would publish a notice of the 60-day comment period and public hearing on a draft environmental impact statement for two consecutive weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this notice for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a notice of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice. We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

Section 3422.1 Fair Market Value and Maximum Economic Recovery

The language in the proposed rule for § 3422.1(a) stated that we would publish a solicitation for comments on fair market value and maximum economic recovery of coal tracts for two consecutive weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this solicitation for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a solicitation of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice.

We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

Section 3425.3 Environmental Analysis

The language in the proposed rule for § 3425.3(a) stated that we would publish a notice of the availability of and public hearing for the environmental assessment or draft environmental impact statement for two consecutive

weeks in a newspaper of general circulation in the area of the sale. One comment letter pointed out that this could be read to require the BLM to publish this notice for 14 days should the newspaper chosen for this publication be a daily paper. This is a change from our present practice of printing a notice of availability two times, one week apart, in a newspaper of general circulation in the area of the sale. We do not intend to change this practice. We have modified the language to more precisely state our intent. Instead of using the phrase "for two consecutive weeks" we now say "at least once per week for two consecutive weeks."

IV. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

This final rule is not a significant rule and was not subject to review by the Office of Management and Budget under Executive Order 12866. We have determined that this final rule does not have an annual economic impact of \$100 million or more; have an adverse impact in a material way on the economy, environment, public health, safety, other units of government, or sectors of the economy; pose a serious inconsistency or interfere with an action taken or planned by another agency; have novel legal or policy implications; or have material effects on budgets or rights and obligations of recipients of entitlements, fees, grants, or loans. Therefore, we do not have to assess the potential costs and benefits of the rule under section 6(a)(3) of this order and no OMB review under the order is required.

National Environmental Policy Act

BLM considers this final rule to be an administrative action to incorporate current BLM policy on public participation in the coal leasing process into the regulations. Therefore, it is categorically excluded from environmental review under section 102(2)(C) of the National Environmental Policy Act of 1969, pursuant to 516 Departmental Manual (DM), Chapter 2, Appendix 1, Item 1.10. In addition, this final rule does not meet any of the 10 criteria for exceptions to categorical exclusions listed in 516 DM, Chapter 2, Appendix 2. Pursuant to Council on Environmental Quality regulations (40 FR 1508.4) and the environmental policies and procedures of the Department of the Interior, the term "categorical exclusions" means a category of actions which individually and cumulatively do not have a

significant effect on the human environment and that has been found to have no such effect in procedures adopted by a Federal agency and for which neither an environmental assessment nor an environmental impact statement is required. This final rule does not directly affect the environment. Any coal tract considered for leasing will be subject to further NEPA analysis on a case-by-case basis.

Regulatory Flexibility Act

This final rule does not require a regulatory flexibility analysis. Congress enacted the Regulatory Flexibility Act of 1980 (RFA), as amended, 5 U.S.C. 601–612, to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule has a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. This final rule would not have significant economic impacts on small entities under the RFA, 5 U.S.C. 601 *et seq.* Small entities would not be affected adversely or beneficially by these requirements but would be given the opportunity to participate in the coal leasing process by regulations, rather than by internal agency guidance.

Small Business Regulatory Enforcement Fairness Act

This final rule is not a “major rule” as defined by the Small Business Regulatory Enforcement Fairness Act, 5 U.S.C. 804(2). This final rule will not have a significant impact on the economy or on small businesses in particular. This final rule would not substantially change BLM’s existing policy.

Unfunded Mandates Reform Act

This final rule does not impose an unfunded mandate on State, local or tribal governments or the private sector of more than \$100 million per year. This final rule does not have a significant or unique effect on State, local, or tribal governments or the private sector. This final rule places current BLM policy on public participation in the coal leasing process in the regulations. Therefore, we are not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act, (2 U.S.C. 1531 *et seq.*).

Executive Order 12630, Takings

This final rule does not represent a government action capable of interfering with constitutionally protected property rights. Therefore, we have determined

that this final rule would not cause a taking of private property.

Executive Order 12612, Federalism

This final rule will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We designed the Federal Coal Management Program to allow the maximum participation of affected States in decisions about regional coal leasing and development through RCTs. RCTs make recommendations to the BLM Director for the Secretary on the regional coal leasing levels of coal to be analyzed for possible sale and on the amount of coal offered. If the Secretary does not accept their decisions, the Secretary must publicly state why. We have determined that this final rule does not have sufficient Federalism implications to warrant preparation of a Federalism assessment.

Executive Order 12988, Civil Justice Reform

The Office of the Solicitor has determined that this final rule will not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of Executive Order 12988.

Paperwork Reduction Act

This final rule does not require an information collection from 10 or more parties and a submission under the Paperwork Reduction Act is not required.

Authors

The principal author of this final rule is Philip Allard, Solid Minerals Group, assisted by Shirlean Beshir, Regulatory Affairs Group.

List of Subjects in 43 CFR Part 3400

Coal, Intergovernmental relations, Mines, Public lands-classification, Public lands-mineral resources.

List of Subjects in 43 CFR Part 3420

Administrative practice and procedure, Coal, Environmental protection, Intergovernmental relations, Mines, Public lands-mineral resources.

Dated: September 17, 1999.

Sylvia V. Baca,

Acting Assistant Secretary, Land and Minerals Management.

Accordingly, under the authority of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands, as amended (30 U.S.C.

351–359), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1740), and the Secretary’s enforcement powers, BLM adopts as final the amendments to 43 CFR Parts 3400 and 3420, as set forth below:

PART 3400—COAL MANAGEMENT: GENERAL

1. The authority citation for part 3400 continues to read as follows:

Authority: 30 U.S.C. 189, 359, 1211, 1251, 1266, and 1273; 43 U.S.C. 1461, 1733, and 1740.

2. Amend § 3400.4 by revising paragraph (g) to read:

§ 3400.4 Federal/state government cooperation.

* * * * *

(g) The regional coal team will function under the public participation procedures at §§ 1784.4–2, 1784.4–3, and 1784.5 of this chapter.

3. The authority citation for part 3420 continues to read as follows:

Authority: The Mineral Leasing Act of 1920, as amended and supplemented (30 U.S.C. 181 *et seq.*), the Mineral Leasing Act for Acquired Lands of 1947, as amended (30 U.S.C. 351–359), the Multiple Mineral Development Act of 1954 (30 U.S.C. 521–531 *et seq.*), the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201 *et seq.*), the Department of Energy Organization Act of 1977 (42 U.S.C. 7101 *et seq.*), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 *et seq.*), and the Small Business Act of 1953, as amended (15 U.S.C. 631 *et seq.*).

PART 3420—COMPETITIVE LEASING

4. Amend § 3420.1–4 by revising paragraph (a) to read:

§ 3420.1–4 General requirements for land use planning.

(a) The Secretary may not hold a lease sale under this part unless the lands containing the coal deposits are included in a comprehensive land use plan or land use analysis. The land use plan or land use analysis will be conducted with public notice and opportunity for participation at the points specified in § 1610.2(f) of this title. The sale must be compatible with, and subject to, any relevant stipulations, guidelines, and standards set out in that plan or analysis.

* * * * *

5. Amend § 3420.2 by removing the last sentence of paragraph (a)(1), and adding in its place two sentences as set forth below, revising the last sentence of paragraph (a)(4), removing “and” from the end of paragraph (c)(8), redesignating current paragraph (c)(9) as

paragraph (c)(10), and adding a new (c)(9) to read:

§ 3420.2 Regional leasing levels.

(a)(1) * * * This range of initial leasing levels must be based on information available to the State Director including: land use planning data; the results of the call for coal resource information held under § 3420.1-2 of this subpart; the results of the call for expressions of leasing interest held under § 3420.3-2 of this subpart; and other considerations. The State Director will consider comments received from the public in writing and at hearings, and input and advice from the Governors of the affected States regarding assumptions, data, and other factors pertinent to the region;

(a)(4) * * * The team also must transmit to the Secretary, without change, all comments and recommendations of the Governor and the public.

(9) Comments received from the public in writing and at public hearings; and

6. Amend § 3420.3-1 by adding a new paragraph (d) to read:

§ 3420.3-1 Area identification process.

(d) Public notice and opportunity for participation in activity planning must be appropriate to the area and the people involved. The Bureau of Land Management will make available a calendar listing of the points in the planning process at which the public may participate, including:

- (1) The regional coal team meeting to recommend initial leasing levels (see § 3420.2(a)(4));
(2) The regional coal team meeting for tract ranking (see § 3420.3-4(a));
(3) Publication of the regional coal lease sale environmental impact statement (see § 3420.3-4(c)); and
(4) The regional coal team meeting to recommend specific tracts for a lease sale and a lease sale schedule (see § 3420.3-4(g)).

7. Amend § 3420.3-4 by removing the third sentence in paragraph (a)(1), and adding in its place four sentences as set forth below, adding two sentences after the first sentence in paragraph (a)(5), adding a new sentence at the end of paragraph (d), revising paragraph (f), and removing the first sentence in paragraph (g) and adding in its place two new sentences as set forth below:

§ 3420.3-4 Regional tract ranking, selection, environmental analysis and scheduling.

(a)(1) * * * The subfactors the regional coal team will consider under each category are those the regional coal team determines are appropriate for that region. The regional coal team will make its determination after publishing notice in the Federal Register that the public has 30 days to comment on the subfactors. The regional coal team will then consider any comments it receives in determining the subfactors. BLM will publish the subfactors in the regional lease sale environmental impact statement required by this section.

(5) * * * BLM will publish the notice no later than 45 days before the meeting. The notice will list potential topics for discussion.

(d) * * * BLM will publish a notice in the Federal Register of the 60-day comment period and the public hearing on the draft environmental impact statement. BLM also will publish the notice at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale.

(f) When the comment period on the draft environmental impact statement closes, the regional coal team will analyze the comments and make any appropriate revisions in the tract ranking and selection. The final regional lease sale environmental impact statement will reflect such revisions and will include all comments received.

(g) When BLM completes and releases the final regional lease sale environmental impact statement, the regional coal team will meet and recommend specific tracts for lease sale and a lease sale schedule. The regional coal team will provide notice in the Federal Register of the date and location at least 45 days before its meeting.

8. Amend § 3420.5-2 by adding two sentences at the end of paragraph (a) to read:

§ 3420.5-2 Revision.

(a) * * * BLM will publish a notice in the Federal Register and provide a 30-day comment period before it makes any revision increasing the number or frequency of sales, or the amount of coal offered. BLM will publish any revision in the Federal Register.

9. Amend § 3422.1 by adding a sentence after the first sentence in paragraph (a) to read:

§ 3422.1 Fair market value and maximum economic recovery.

(a) * * * BLM will publish the solicitation in the Federal Register and at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale.

10. Amend § 3422.2 by removing the third sentence in paragraph (a) and adding in its place two sentences to read as follows:

§ 3422.2 Notice of sale and detailed statement.

(a) * * * BLM will post notice of the sale in BLM State Office where the coal lands are managed. BLM will also mail notice to any surface owner of lands noticed for sale and to any other person who has requested notice of sales in the area.

11. Amend § 3425.1-9 by adding a sentence at the end of this section to read:

§ 3425.1-9 Modification of application area.

* * * If an environmental assessment of the modification is required, BLM will solicit and consider public comments on the modified application.

12. Amend § 3425.3(a) by adding two sentences at the end of paragraph (a) to read:

§ 3425.3 Environmental analysis.

(a) * * * BLM will publish a notice in the Federal Register, and at least once per week for two consecutive weeks in a newspaper of general circulation in the area of the sale, announcing the availability of the environmental assessment or draft environmental impact statement and the hearing required by § 3425.4(a)(1). BLM also will mail to the surface owner a notice of any lands to be offered for sale and to any person who has requested notice of sales in the area.

**FEDERAL COMMUNICATIONS
COMMISSION**

47 CFR Part 64

[CC Docket No. 97-213; FCC 99-184]

**Implementation of the
Communications Assistance for Law
Enforcement Act**

AGENCY: Federal Communications
Commission

ACTION: Final rule; reconsideration

SUMMARY: This decision revises rules previously adopted to implement sections of the Communications Assistance for Law Enforcement Act. In particular, the Commission eliminates the requirement that telecommunications carriers retain records of call content or associated call-identifying information of any unauthorized or authorized interceptions. This decision also eliminates the ten-year retention requirement for such material regarding unauthorized interceptions. Instead, carriers must maintain their certification of such call intercepts for a reasonable period of time. The action is taken to make the rules more in keeping with Congressional intent. This decision adopts modified information collections subject to the Paperwork Reduction Act of 1995 (PRA). The general public and other Federal agencies are invited to comment on the proposed or modified information collections contained in this proceeding.

DATES: These rules contain information collections that have not been approved by OMB. The Commission will publish a document in the **Federal Register** announcing the effective dates of these rules. Public and agency comments are due on the information collections November 29, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Wasilewski, 202-418-1310. For further information concerning the information collections contained in this Report and Order, contact Les Smith, Federal Communications Commission, Room 1A-804, 445 12th Street, S.W., Washington, DC 20054, or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Order on Reconsideration (Order) in CC Docket No. 97-213; FCC 99-184, adopted July 16, 1999, and released August 2, 1999. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, S.W., Washington, DC, and also may be

purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY-B400, 445 12th Street, S.W., Washington, DC.

**Synopsis of the Order on
Reconsideration**

1. The Commission, on its own motion, adopts an Order on Reconsideration (Order) in CC Docket No. 97-213, regarding implementation of the Communications Assistance for Law Enforcement Act (CALEA). This Order is a limited reconsideration of the Commission's Rule, adopted in the Report and Order (R&O) in this proceeding. (FCC 99-11.) regarding obligations placed upon carriers to maintain secure and accurate records or wiretap, pen register, and trap and trace interceptions.

2. Section 64.2104(b) of the Commission rules adopted in the R&O, erroneously required carriers to retain records of call information and unauthorized interceptions, including the content of such interceptions, for ten years, and erroneously required carriers to retain records of content of authorized interceptions. The Commission thus eliminates these requirements and instead finds that carriers should maintain the certification, as described in § 64.2104(a) for "a reasonable period of time."

Administrative Matters

*Supplemental Regulatory Flexibility Act
Statement*

3. As required by the Regulatory Flexibility Act (RFA),¹ an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the Notice of Proposed Rulemaking (NPRM)² in this proceeding implementing the Communications Assistance for Law Enforcement Act (CALEA or the Act). The Commission sought written public comment on the proposals in the NPRM, including the IRFA. A Final Regulatory Flexibility Analysis (FRFA) conforming to the RFA was then incorporated into the Report and Order implementing section 105 of the Act. The Commission's Supplemental Final Regulatory Flexibility Analysis (Supplemental FRFA) in this Order reflects revised or additional information to that contained in the FRFA. The Supplemental FRFA is thus limited to matters raised in response to

¹ See 5 U.S.C. 603. The RFA, 5 U.S.C. 601 *et seq.*, has been amended by the Contract with America Advancement Act, Public Law No. 104-121, 110 Stat. 847 (1996) (CWAAA). Title II of the CWAAA is the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA).

² 62 FR 63302, November 28, 1997.

the R&O and addressed in this Reconsideration. This Supplemental FRFA conforms to the RFA.³

(a) Need for and Purpose of this Action

4. The actions taken in this Order are in response to letters requesting clarification of the rules that erroneously require carriers to retain records of call content or associated call-identifying information of any unauthorized or authorized interceptions. The limited revisions made in the Order are intended to clarify the rules adopted in the R&O by eliminating these erroneous requirements.

(b) Summary of the Issues Raised by
Public Comments Made in Response to
the FRFA

5. No comments were received in direct response to the FRFA, but the Commission received several letters requesting clarification of the rules adopted in the R&O. After release of the R&O, but prior to publication of the rules in the **Federal Register**, the Commission received letters from CTIA and AirTouch stating that § 64.2104(b) of the new rules erroneously requires carriers to retain records of call-identifying information and unauthorized interceptions, including the content of such interceptions, and erroneously requires carriers to retain records of content of authorized interceptions. Subsequently, the Federal Bureau of Investigation (FBI) sent the Commission a letter supporting the position taken by CTIA and AirTouch on this issue, stating that those requirements "are not mandated by section 105 of CALEA and that, in some respects, compliance with these requirements could cause a carrier to violate federal electronic surveillance laws," since those laws do not require or entitle carriers to acquire and retain such information, but merely direct them, according to lawful court orders and other authorizations, to provide the technical assistance necessary to aid law enforcement in making intercepts.

(c) Description and Estimates of the
Number of Entities Affected by This
Report and Order

6. A Final Regulatory Flexibility Analysis was incorporated into the R&O. In that analysis, the Commission described in detail the small entities that might be significantly affected by the rules adopted in the R&O. Those entities may be found in a number of wireless services including: telephone companies, wireline carriers and service

³ See 5 U.S.C. 604.

providers, local exchange carriers, interexchange carriers, competitive access providers, wireless radiotelephone carriers, cellular licensees, mobile service carriers, broadband personal communications service, SMR licensees, resellers, pay telephone operators, cable services or systems, and other pay services. In this Order, the Commission hereby incorporates by reference the description and estimate of the number of small entities from the previous FRFA in this proceeding.

7. The rule changes in this Order will affect small entities as indicated in the FRFA presented in the R&O. To the extent that a rule change here affects a particular wireless service, our estimates contained in the R&O, remain valid as to the size of those services.

(d) Description of Projected Reporting, Recordkeeping and Other Compliance Requirements

8. In this Order, the Commission adopts no new rules and impose no additional reporting, recordkeeping or other compliance requirements. The Commission does, however, adopt specific rule changes clarifying that we no longer find telecommunications carriers should retain the content or call-identifying information of any interceptions of communications. Moreover, the Commission no longer finds the 10 year record retention requirement to be necessary, since it was originally implemented in order to remain consistent with the record retention requirement in 18 U.S.C. 2518(8)(a) with regard to content of authorized call intercepts. Since the Commission is no longer requiring carriers to maintain records of content or call-identifying information, we find it more appropriate to allow carriers to maintain the certification for a "reasonable period of time". Thus, we are making conforming changes in § 64.2104(b) of the Commission Rules by modifying the rules expressed in paragraph (f) of new § 64.2103 and paragraph (b) of new § 64.2104, as they appear in the R&O, and replace them with a revised final §§ 64.2103(f) and 64.2104(b) of the Commission's Rules, as set forth in this Order.

(e) Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

9. The analysis of the Commission's efforts to minimize the possible significant economic impact on small entities as described in the FRFA, is unchanged by the Order, save that the removal of the recordkeeping obligations described in section (d)

above will result in a reduction of the recordkeeping burden for all entities affected by the R&O and this Order.

(f) Report to Congress

10. The Commission shall send a copy of this Order, including this Supplemental FRFA, in a report to Congress pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996, see 5 U.S.C. 801(a)(1)(A). In addition, the Commission shall send a copy of this Order, including this Supplemental FRFA, to the Chief Counsel for Advocacy of the Small Business Administration. A copy of this order and Supplemental FRFA (or summaries thereof) will also be published in the **Federal Register**.

Ordering Clauses

11. Accordingly, it is ordered that, pursuant to 47 CFR 1.108, (4)(i) and 4(j), and section 229 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), and 229, and section 105 of the Communications Assistance for Law Enforcement Act, 47 U.S.C. 1004, § 64.2104(b) of the Commission's rules, 47 CFR 64.2104(b), is modified as set out in this decision.

12. It is further ordered that the rules set forth in this decision will become effective 90 days after publication in the **Federal Register**.

13. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of this Order on Reconsideration, including the Supplemental Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Paperwork Reduction Act

14. This Order contains a modified information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the possible information collections contained in this Order, as required by the Paperwork Reduction Act of 1995, Public Law No. 104-13. Written comments must be submitted by the public and by other Agencies on the proposed information collections on or before November 29, 1999. Comments should address: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (2) the accuracy of the Commission's burden estimates; (3) ways to enhance the quality, utility, and clarity of the information collected; and (4) ways to minimize the burden of the

collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060-0809.

Title: Communications Assistance for Law Enforcement Act, Order on Reconsideration.

Form No.: N.A.

Type of Review: Modification of Existing Collection.

Respondents: Business and other for-profit and non-profit institutions.

Number of Respondents: 5,000.

Estimated Time Per Response: 25 hours.

Needs and Uses: This modification decreases the recordkeeping burden on carriers imposed in the R&O, to remain consistent with the record retention requirement in 18 U.S.C. 2518(8)(a).

List of Subjects in 47 CFR Part 64

Communications common carriers, Reporting and recordkeeping requirements.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

Part 64 of Title 47 of the Code of Federal Regulations is amended as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

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

Authority: 47 U.S.C. 151, 154, 201, 202, 205, 218-220, and 332 unless otherwise noted. Interpret or apply 201, 218, 225, 226, 227, 229, 332, 48 Stat. 1070, as amended. 47 U.S.C. 201-204, 218, 225, 226, 227, 229, 332, 501 and 503 unless otherwise noted.

2. Section 64.2103 is amended by revising paragraph (f) to read as follows:

§ 64.2103 Policies and procedures for employee supervision and control.

* * * * *

(f) Include, in its policies and procedures, a detailed description of how long it will maintain its records of each interception of communications or access to call-identifying information pursuant to § 64.2104.

3. Section 64.2104 is amended by revising paragraph (b) to read as follows:

§ 64.2104 Maintaining secure and accurate records.

* * * * *

(b) A telecommunications carrier shall maintain the secure and accurate records set forth in paragraph (a) for a

reasonable period of time as determined
by the carrier.

* * * * *

[FR Doc. 99-25145 Filed 9-27-99; 8:45 am]

BILLING CODE 6712-01-P

Proposed Rules

Federal Register

Vol. 64, No. 187

Tuesday, September 28, 1999

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 101

[Docket No. 99-040-1]

Viruses, Serums, Toxins, and Analogous Products; Definitions

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog* to include all members of the species *Canis familiaris*, *Canis lupus*, or any dog-wolf cross. APHIS believes that dogs, wolves, and any dog-wolf cross can be safely and effectively vaccinated with canine vaccines. This action would allow canine vaccines that are recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by November 29, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99-040-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that your comment refers to Docket No. 99-040-1.

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

APHIS documents published in the **Federal Register**, and related information, including the names of

organizations and individuals who have commented on APHIS rules, are available on the Internet at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

FOR FURTHER INFORMATION CONTACT: Dr. Albert P. Morgan, Chief Staff Officer, Operational Support Section, Center for Veterinary Biologics, Licensing and Policy Development, APHIS, 4700 River Road Unit 148, Riverdale, MD 20737-1231; (301) 734-8245.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 112 set forth packaging and labeling requirements for veterinary biological products. The Animal and Plant Health Inspection Service (APHIS) requires a product's label to identify the animals for which the product has been demonstrated to be effective and safe. Paragraph (b) of § 113.209 requires a rabies vaccine to be tested for immunogenicity in each species for which it will be recommended. Therefore, rabies vaccines recommended for use in dogs may be tested in any member of the species historically named *Canis familiaris* and recommended for use in breeds of dog of the species *Canis familiaris*.

In 1993, the second edition of "Mammal Species of the World, A Taxonomic and Geographic Reference," stated that domestic dogs, formerly identified as *Canis familiaris*, were a member of the species *Canis lupus*, which is the grey wolf. This publication is widely accepted as the standard for mammalian taxonomy. However, there is disagreement within the expert community.

In 1995, as a result of reclassifying dogs into the species *Canis lupus*, owners of wolves and dog-wolf crosses petitioned APHIS to recognize rabies vaccines approved for use in dogs as effective in wolves and dog-wolf crosses. The petitioners pointed out that many jurisdictions do not recognize the vaccination of wolves and dog-wolf crosses against rabies. Therefore, if these animals are involved in an incident in which rabies vaccination is an issue, they may be subject to euthanasia.

In April 1996, after consulting with taxonomists regarding the petition, APHIS hosted a meeting in Riverdale, MD, to review the issues of whether dogs and wolves were members of the

same species *Canis lupus* and whether rabies vaccines recommended for use in dogs should be considered effective in wolves and any dog-wolf cross. Experts from the disciplines of animal taxonomy, molecular genetics, veterinary immunology, wildlife biology, and veterinary public health attended the meeting. During the meeting, there was disagreement as to whether dogs and wolves belonged to the same species, but there was consensus that inactivated rabies vaccines should be safe and effective in wolves and any dog-wolf cross. It was proposed that if rabies vaccines could be assumed to be safe and effective in wolves and dog-wolf crosses, then modified live vaccines against other dog diseases should also be safe and effective in wolves and dog-wolf crosses. However, the experts could not agree to this proposal without data demonstrating the safety of modified live canine vaccines in wolves and dog-wolf crosses. Without a clear consensus that the immune systems of wolves and dogs were equivalent, APHIS took no action at that time to allow canine vaccines that were recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross.

As a follow up to the meeting, wolf and dog-wolf cross fanciers submitted supplemental data to support the use of modified live canine vaccines in wolves and dog-wolf crosses. The data indicated that 216 wolves and 460 dog-wolf crosses were vaccinated with various modified live canine vaccines without any reported adverse reactions attributable to the vaccines. Many of these animals received multiple vaccinations over several years. These data provide only limited statistical inference; however, the fact that wolves and dog-wolf crosses share the same environment with dogs and have similar exposure to disease agents with ample evidence of protection against those diseases for which the animals were vaccinated provide strong evidence that wolves and dog-wolf crosses respond to canine vaccines in a manner similar to dogs. Further, the lack of reported adverse reactions after vaccination provides strong epidemiological evidence that wolves and dog-wolf crosses respond to canine vaccines in a manner similar to dogs. In addition, manufacturers of canine vaccines acknowledge that their products have

been used extensively in wolves and dog-wolf crosses with no reported adverse reactions.

Based upon the above, APHIS believes that dogs, wolves, and any dog-wolf cross can be safely and effectively vaccinated with canine vaccines. Therefore, we are proposing to add a definition of *dog* to 9 CFR part 101 to include all members of the species *Canis familiaris*, *Canis lupus*, or any dog-wolf cross. This would allow canine vaccines recommended for use in dogs to be recommended for use in wolves and any dog-wolf cross. Manufacturers who wish to include wolves and dog-wolf crosses on the labels for their canine vaccines could add these animals to the labels. APHIS believes that, even without this change, all canine vaccines labeled for use in dogs would be accepted as being safe and effective in wolves and any dog-wolf cross. If manufacturers wish to include wolves and any dog-wolf cross on their labels, the labels would first need to be approved by and filed with APHIS.

We would not require additional efficacy and safety studies to be performed; however, manufacturers could perform additional efficacy and safety studies, at their discretion, prior to recommending the use of their canine vaccines in wolves and any dog-wolf cross.

Executive Order 12866 and Regulatory Flexibility Act

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

This proposed rule would amend the Virus-Serum-Toxin Act regulations by adding a definition of the term *dog* to include all members of the species *Canis familiaris*, *Canis lupus*, or any dog-wolf cross. As a consequence, canine vaccines that are recommended for use in dogs could also be recommended for use in wolves and any dog-wolf cross. Manufacturers could include wolves and any dog-wolf cross on the labels for their canine vaccines. The labels would need to be approved by and filed with APHIS.

This proposed rule would affect all licensed veterinary biologics establishments that produce vaccines for use in dogs. Currently, there are approximately 150 veterinary biologics establishments. According to the standards of the Small Business Administration, most of these establishments would be classified as small entities, and approximately 10 percent of these establishments

currently produce vaccines for use in dogs. Because the efficacy and safety of licensed canine vaccines have already been demonstrated in accordance with the regulations, and because this proposed rule does not require manufacturers to replace labels for their products for use in wolves and any dog-wolf cross, any additional costs manufacturers would incur if this proposed rule is adopted should be minimal.

Currently, manufacturers of veterinary biological products do not recommend canine vaccines for use in wolves and any dog-wolf cross. Under this proposed rule, if manufacturers recommend their canine vaccines for use in wolves and dog-wolf crosses, additional efficacy and safety data would not be required. Therefore, manufacturers would not incur any additional costs as a result of the rule. This proposed rule would not restrict manufacturers from using their discretion to elect to perform additional efficacy and safety studies prior to recommending the use of their canine vaccines in wolves and dog-wolf crosses. However, if a canine vaccine is used on wolves or dog-wolf crosses in accordance with the label recommendations, this proposed rule would not relieve the manufacturer of responsibility for the performance of the product (e.g., adverse reactions).

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

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. It is not intended to have retroactive effect. This rule would not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. The Act does not provide administrative procedures which must be exhausted prior to a judicial challenge to the provisions of this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Reform

This action is part of the President's Regulatory Reform Initiative, which, among other things, directs agencies to remove obsolete and unnecessary regulations and to find less burdensome ways to achieve regulatory goals.

List of Subjects in 9 CFR Part 101

Animal biologics.

Accordingly, we propose to amend 9 CFR part 101 as follows:

PART 101—DEFINITIONS

1. The authority citation for part 101 would continue to read as follows:

Authority: 21 U.S.C. 151–159; 7 CFR 2.22, 2.80, and 371.2(d).

2. In § 101.2, a definition of “dog” would be added in alphabetical order to read as follows:

§ 101.2 Administrative terminology.

* * * * *

Dog. All members of the species *Canis familiaris*, *Canis lupus*, or any dog-wolf cross.

* * * * *

Done in Washington, DC, this 22nd day of September 1999.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–25177 Filed 9–27–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM/TP–99–500]

RIN 1904–AA52

Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers

AGENCY: Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of proposed rulemaking and public workshop.

SUMMARY: The Department of Energy (We, DOE, or the Department) is proposing to amend its test procedure for dishwashers. The proposal adds test procedures for dishwashers with soil-sensing technology. It also revises some of the inputs for calculating the estimated annual operating cost, adds new specifications to improve testing

repeatability, and changes the definitions of compact and standard models. The proposed amendments of the test procedure do not alter the minimum energy conservation standards currently in effect for dishwashers.

DATES: The Department will accept comments, data, and information regarding the proposed rule no later than December 13, 1999. Please submit ten (10) copies. In addition, the Department requests that you provide an electronic copy (3½" diskette) of the comments in WordPerfect™ format.

The Department will hold a public workshop (hearing) on Tuesday, November 2, 1999, in Washington, DC. Please send requests to speak at the workshop so that we receive them by 4:00 p.m., Tuesday, October 19, 1999. The Department must also receive ten (10) copies of statements to be given at the public workshop no later than 4:00 p.m., October 20, 1999, and we request that you provide a computer diskette (WordPerfect™) of each statement at that time.

ADDRESSES: Please address requests to make statements at the public workshop and copies of those statements to Ms. Brenda Edwards-Jones, and send written comments regarding the proposed rule to Ms. Barbara Twigg, both at the following address: U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-41, 1000 Independence Avenue, SW, Washington, DC 20585-0121. You should identify all documents both on the envelope and on the documents as "Energy Conservation Program for Consumer Products: Test Procedure for Dishwashers, Docket No. EE-RM/TP-99-500." The workshop will begin at 9:00 a.m., on Tuesday, November 2, 1999, in Room 1E-245 at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC. You can find more information concerning public participation in this rulemaking proceeding in section IV, "Public Comment," of this notice.

You can read copies of the transcript of the public workshop and public comments in the Freedom of Information Reading Room (Room No. 1E-190) at the U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC, between the hours of 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays. You may obtain copies of the referenced standard AHAM DW-1 by request from the Association of Home Appliance Manufacturers, 1111 19th Street, NW,

Suite 402, Washington, DC 20036, (202) 872-5955.

The latest information regarding the public workshop is available on the Office of Codes and Standards web site at the following address: http://www.eren.doe.gov/buildings/codes_standards/index.htm

FOR FURTHER INFORMATION CONTACT:

Barbara Twigg, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE-41, 1000 Independence Avenue, SW, Washington, DC 20585-0121, (202) 586-8714, email: barbara.twigg@ee.doe.gov; or Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, GC-72, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586-9507, email: eugene.margolis@hq.doe.gov

SUPPLEMENTARY INFORMATION:

- I. Introduction
 - A. Authority
 - B. Background
 - C. Summary of the Proposed Test Procedure Revisions
- II. Discussion
 - A. General Discussion
 - B. Changes in Dishwasher Design and Consumer Practices
 - C. Improving Testing Repeatability
 - D. Corrections to the Last Published Rule
 - E. Re-testing Soil-sensing Dishwasher Models with New Test Procedure
- III. Procedural Requirements
 - A. Review Under the National Environmental Policy Act of 1969
 - B. Review Under Executive Order 12866, "Regulatory Planning and Review"
 - C. Review Under the Regulatory Flexibility Act of 1980
 - D. "Takings" Assessment Review
 - E. Federalism Review
 - F. Review Under the Paperwork Reduction Act
 - G. Review Under Executive Order 12988, "Civil Justice Reform"
 - H. Review Under the Unfunded Mandates Reform Act of 1995
 - I. Review Under the Plain Language Directives
 - J. Review Under the Treasury and General Government Appropriations Act, 1999
- IV. Public Comment
 - A. Written Comment Procedures
 - B. Public Workshop
 1. Procedures for submitting requests to speak
 2. Conduct of workshop
 3. Issues Requested for Comment

I. Introduction

A. Authority

Part B of Title III of the Energy Policy and Conservation Act, as amended (EPCA or Act), establishes the Energy Conservation Program for Consumer Products Other Than Automobiles (Program). The products currently subject to this Program ("covered products") include residential

dishwashers, the subject of today's notice.

Under the Act, the Program consists of three parts: testing, labeling, and the Federal energy conservation standards. The Department, in consultation with the National Institute of Standards and Technology (NIST), must amend or establish test procedures as appropriate for each of the covered products. Section 323 of EPCA, 42 U.S.C. 6293. The purpose of the test procedures is to measure energy efficiency, energy use, or estimated annual operating cost of a covered product during a representative average use cycle or period of use. The test procedure must not be unduly burdensome to conduct. Section 323(b)(3) of EPCA, 42 U.S.C. 6293(b)(3).

If a test procedure is amended, DOE is required to determine to what extent, if any, the new test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure. If DOE determines that an amended test procedure would alter the measured efficiency or measured energy use of a covered product, DOE is required to amend the applicable energy conservation standard accordingly. In determining the amended energy conservation standard, DOE is required to measure the energy efficiency or energy use of a representative sample of covered products that minimally comply with the existing standard. The average efficiency of these representative samples, tested using the amended test procedure, constitutes the amended standard. Section 323(e)(1) of EPCA, 42 U.S.C. 6293(e)(1).

Beginning 180 days after a test procedure for a product is prescribed, no manufacturer, distributor, retailer, or private labeler may make representations with respect to the energy use, efficiency, or cost of energy consumed by such products, except as reflected in tests conducted according to the DOE procedure. Section 323(c)(2) of EPCA, 42 U.S.C. 6293(c)(2).

B. Background

The Department published the original dishwasher test procedure on August 3, 1977 (42 FR 39964). On March 3, 1983 (48 FR 9202), we published an amended version which revised the representative average-use cycles to reflect consumer use and to address dishwashers that use 120°F inlet water. We amended the test procedure again on November 27, 1984 (49 FR 46533), in order to redefine a water heating dishwasher by deleting the requirement for internal heating in the rinse phase of a normal cycle. On

December 15, 1987 (52 FR 47551), DOE amended the dishwasher test procedure to address models that use 50°F inlet water.

In February 1995, NIST conducted a review of domestic and international dishwasher test procedures. NIST submitted two reports, "Review of the DOE Test Procedure for Residential Dishwashers" and "Review of AHAM (Association of Home Appliance Manufacturers) and International Test Procedures for Residential Dishwashers," to DOE on July 17, 1995. These reports identified many of the problems that are addressed in this notice. On December 13, 1995, we met with NIST, AHAM, and representatives from six dishwasher manufacturers to discuss the two NIST reports and proposed changes to the test procedure.

Following this meeting, NIST conducted a series of tests on two residential dishwashers, one conventional and one soil-sensing, using the current DOE, International Electrotechnical Commission (IEC), and AHAM dishwasher test procedures. Review of the DOE test procedure made clear the need for revision, while the studies using the two latter test procedures highlighted the difficulty in conducting repeatable performance-based testing with soil loads, regardless of dishwasher type.

In May 1997, NIST published a report entitled "Energy and Water Consumption Testing of a Conventional Dishwasher and an Adaptive Control Dishwasher, IATC-1997." Subsequently, we again met with NIST, manufacturers, and environmental groups to discuss options for improving the effectiveness of the current test procedure. AHAM then sent a letter to the Department which compiled many of the discussed changes and suggested a new approach to testing soil-sensing dishwashers.

In preparing this Notice of Proposed Rulemaking, we have taken into consideration different views on how to improve the current test procedure and incorporated suggestions from industry and other stakeholders. The amendments proposed in this notice will provide a more accurate procedure for determining the energy factor for dishwashers employing soil-sensing technology than the existing one, which does not adequately measure the energy use of these models. We also propose to update the average use cycles to reflect current usage patterns, and to revise the measurements and calculations required to determine the values used to estimate the annual operating cost for all dishwashers. The Department welcomes test data to determine the effects of

these modifications on any existing soil-sensing dishwasher.

C. Summary of the Proposed Test Procedure Revisions

The Department proposes the following changes to the dishwasher test procedure:

1. Update the test procedure to reflect changes in dishwasher design and consumer practices.

- Add test procedures for soil-sensing dishwashers.

- Add new definitions for sensor normal cycle and sensor truncated normal cycle.

- Add a new formula for calculating the machine and water energy consumption per cycle for soil-sensing models.

- Update the representative average number of use cycles per year.

- Combine explanation of the Estimated Annual Operating Cost (EAO) calculation for dishwashers both with and without normal and truncated normal cycles.

- Base the definitions of compact and standard dishwashers on place-setting capacity.

2. Improve testing repeatability.

- Revise definition 1.10, "Truncated Normal Cycle" (previously 1.5).

- Tighten the tolerance for ambient temperature.

- Add more detail to test chamber installation requirements.

- Add an instruction for manufacturers to run a conditioning cycle prior to the test.

- Introduce a new section, Section 3, "Instrumentation," to consolidate all measurement specifications and to base tolerances on nominal values.

- Improve the overall format while introducing the new methodology for soil-sensing dishwashers.

3. Correct the last published rule.

- Correct typographical errors in definition 1.11, "Water Heating Dishwasher" (previously 1.6), and in section 2.2.2, "electrical."

- Remove obsolete text specific to dishwashers manufactured before May 14, 1994.

II. Discussion

A. General Discussion

While this proposed rulemaking retains many of the features of the current test procedure for measuring the energy use of dishwashers, it also includes important changes. We are retaining the current method for testing conventional, or non-soil-sensing dishwashers. However, we propose to amend the established test procedure by adding a new test method for measuring

the energy consumption of soil-sensing models. The new procedure for the soil-sensing models will require manufacturers to measure the energy consumption of both short and long cycles, and weight the average results by the percentage of users who pre-rinse their dishes and those who do not pre-treat. This variable of consumer behavior is an important factor in determining whether a dishwasher sensor will select a short wash cycle or a long wash cycle. The sensor will select a short cycle with reduced energy consumption if pre-rinsed dishes add little food matter into the water. The sensor will select a longer cycle, increasing energy use, if dirty dishes raise the level of food matter in the water. In order to determine a fair representation of how these soil-sensing machines perform, the Department is especially interested in receiving comments on user behavior with regard to pre-treatment of dishes, or more directly, information on the average soil load that dishwashers today encounter. Such data on consumer pre-rinsing behavior will help us to assign more accurate percentages to how often a dishwasher's load is heavily soiled, versus how often the load of dishes is almost soil-free.

B. Changes in Dishwasher Design and Consumer Practices

1. Soil-Sensing Technology

The introduction of dishwasher models using soil-sensing technology prompted the need to revise the current test procedure, last revised in 1987, because the current test method does not accurately measure the energy consumption of models with variable cycles. The soil-sensing (or adaptive control) dishwashers adjust the length of the washing cycle according to the amount of soil matter in the water. A well-rinsed dish load will trigger a short wash cycle, while more heavily soiled dishes will trigger a longer cycle. The soil-sensing dishwashers measure the level of turbidity in the water or the pressure drop across filter screens to determine the soil level and select the appropriate cycle. However, when soil-sensing dishwashers are tested with the current test procedure, which uses only clean dishes, the absence of soils invariably triggers a shortened cycle. Thus, the energy factors obtained are very high and do not reflect a dishwasher's performance when a soiled load is present. At least one manufacturer, Maytag, has reported to DOE lower energy factors than those obtained using the current test procedure because it recognizes that the

results are not representative of the energy and water consumption that consumers are likely to experience under normal use. Some loads could be highly soiled, triggering a longer cycle and resulting in a lower energy factor for the machine. Thus, the test procedure for soil-sensing machines should provide reliable data reflecting performance under both types of loads, well-rinsed and soiled, without greatly increasing the test burden or cost to manufacturers.

As a first step in establishing testing procedures for the new models, the Department proposes to add definitions for conventional and soil-sensing dishwashers, and to prescribe a distinct test method for each. The test for conventional dishwashers remains essentially the same. The new test for soil-sensing models is based on a method developed by AHAM. Following a series of discussions with manufacturers, AHAM suggested a method to collect representative data by artificially forcing soil-sensing dishwashers into a maximum sensor normal cycle. DOE is proposing to adapt this method with modifications proposed by NIST. Although the concept is unchanged, NIST determined that language was needed to address the calculation of machine energy and water energy, adding weighting factors to each.

Under the new test procedure, manufacturers would test a soil-sensing dishwasher in accordance with the current DOE test procedure in the normal cycle and record the energy and water consumption values for the "minimum sensor normal" as M_{\min} and V_{\min} , respectively. They would then adjust the dishwasher cycle to reflect maximum soil loading and repeat the test, recording the energy and water consumption values for the "maximum sensor normal" as M_{\max} and V_{\max} , respectively. Each manufacturer would record, in the certification report, keystroke instructions on how to force a dishwasher into a maximum sensor normal response.

The next step would be to weight energy and water consumption values according to the fraction of people who do and do not pre-treat their dishes. The electrical energy consumption per cycle for the machine will be expressed in kilowatt-hours per cycle and defined as: $M = [M_{\min} \cdot (P) + M_{\max} \cdot (1-P)]$, where P equals the fraction of people who pre-treat dishes and $(1-P)$ equals the fraction of people who do not pre-treat dishes. Similarly, the water consumption per cycle for the machine will be expressed in gallons per cycle and defined as: $V = [V_{\min} \cdot (P) + V_{\max} \cdot (1-$

$P)]$, using the same weighting factors (P and $1-P$).

The manufacturers would then use the water consumption to calculate the energy required to heat the supply water. Next, they would combine that energy with the machine energy to yield the total per cycle energy consumption for the test unit. Additionally, if the test unit has a truncated cycle option (a cycle preset to eliminate the power-dry feature), the test would be repeated and the data collected for the "minimum truncated sensor normal" and the "maximum truncated sensor normal" cycles. These values would be used to calculate the EAOE under the current method.

The Department has reviewed these suggestions and proposes to adopt this method for testing soil-sensing dishwashers with some modification. We believe that although the methodology is acceptable, the matter of how to force the dishwasher into a maximum response mode must be clarified. The Department therefore proposes to include a clause stating that if a manufacturer does not have a way to artificially force a maximum sensor normal cycle, the manufacturer must introduce a soil load according to the AHAM DW-1 performance test to trigger a maximum response.

A second issue is the determination of what percentages should be used in prorating the M_{\min} , M_{\max} , V_{\min} , and V_{\max} values. AHAM proposed using data obtained from the Soap and Detergent Association (SDA) based on surveys of the number of persons who pre-treat their soiled dishes versus those who merely scrape the soiled dishes or load them directly into the dishwasher. The SDA report, based on 1995 data, states that 79 percent of the people surveyed pre-treat their dishes (using water to rinse, scrub, or soak the dishes) and 21 percent of those surveyed do nothing or merely scrape their plates. However, the SDA report also cautions that because these results are based on consumer perception and interpretation, not on objective measures of loads washed, their survey has "the inherent uncertainties of consumer questionnaires." The resulting data could give an "indication of the use and patterns of use," but "should probably not be used in an energy standards setting framework." (See SDA letter to AHAM, July 13, 1998.)

The Oregon Office of Energy submitted a comment expressing concern about the lack of hard data regarding consumer pre-treatment of dishes and the acceptance of the 79-21 weights suggested by the SDA survey. The comment questioned the "rather

loose definition of 'pre-treatment of dishes with water,'" and stated that "without more exacting data as to what 'pre-treatment' means, and what effect partially rinsed dishes (or combined loads of 'pre-treated' and not 'pre-treated') might have on existing sensor-equipped models, [they] will argue against any weighting proposal other than 50-50." (See Stephens letter, p. 2, December 16, 1998.)

The Department agrees that given the disclaimer within the SDA report and other expressed concerns, the 1995 SDA data is not sufficient for determining the percentages of pre-treatment. For this reason, we collected additional data from a 1989 Proctor and Gamble survey which found that approximately 73 percent of the surveyed population pre-treated their dishes, while 27 percent did not pre-treat their dishes. This information supports the AHAM statement that the number of persons who pre-treat their dishes has increased over the past 10 years. Another dishwasher user survey conducted in 1999 by Dethman and Associates for the Northwest Energy Efficiency Alliance and the Consortium for Energy Efficiency found that 63 percent of respondents rated their dishes as "somewhat clean," with small particles of food left, or "very clean," with all or almost all of the food gone. However, when Dethman and Associates calculated a cleanliness score based on a series of questions, the results showed that 83 percent of respondents rated their loads as "somewhat clean" or "very clean." This discrepancy highlights the subjective nature of these surveys and the variation in results depending on the way questions were presented. We are therefore using these data as a qualitative indication and not as a quantitative measure of consumer practices.

Other reasons for regarding the data as an imperfect approximation involve the assumptions behind the use of the percentages in the prorated calculation procedure. Prorating assumes a linear relationship between soil loading and energy consumption, which may or may not apply to a given dishwasher design. Also, as illustrated by the Dethman and Associates Dishwasher Survey Report, dishes loaded into dishwashers do not simply fall into two distinct categories, clean and dirty, but vary along a continuum from clean, at one extreme, to heavily soiled on the other. Because of this variation, some loads that are not pre-treated may still not require, or trigger, the maximum cycle, while on the other hand, a pre-treated load may contain some heavily soiled dishes that require the washer to go beyond the

minimum cycle to clean them adequately. A more precise calculation would require detailed soil loading statistics reflecting consumer behavior, as well as specific dishwasher response patterns to the loadings over a corresponding range of values.

Lacking more precise data at this time, the Department is proposing to use the following compromise figures as a reasonable surrogate for average soil loading: 70 percent to represent the percentage of the population that pre-treats their dishes and 30 percent to represent the percentage that does not pre-treat their dishes. Since the determination of these percentages is critical to the test procedure formula for the soil-sensing dishwashers, we are especially interested in receiving comments on the percentages proposed. If stakeholders propose alternative percentages for consumer pre-treatment behavior, it is critical that they provide data or other information that justifies those percentages.

2. Representative Average Dishwasher Use

In 1983, DOE amended the dishwasher test procedure to reduce the representative average use from 416 cycles per year to 322 cycles per year based on a Proctor and Gamble survey of consumer use conducted prior to 1982. For this rulemaking, the Department solicited new survey data from the SDA for more recent years. In response, the SDA provided survey results for selected years between 1985 and 1995 which indicate that the number of cycles consumers use on a yearly basis has decreased. Therefore, the Department is proposing to revise the representative average annual use to 264 cycles per year¹. This change effectively lowers the annual energy use and therefore the estimated EAOC, defined as the product of the per cycle energy consumption, the representative average-use cycles, and the cost of energy.

3. Standby Electricity Consumption

The Department received a comment from the Oregon Office of Energy calling our attention to the issue of standby electricity consumption in dishwasher models using transformers and microprocessors to power timers, display lights, and other advanced

cycle, control, and soil-sensing features. The comment urged that this "invisible" power consumption be included in the overall energy consumption for dishwashers to give a more complete and accurate calculation of energy use than is currently available (See Stephens letter, p. 3, *supra*). Although we recognize that it is important to evaluate standby power consumption in both dishwashers and other appliances, the Department plans to develop a consistent policy for all covered appliances on a program-wide basis. Until that time, we will not address standby power consumption in individual test procedure rulemakings.

4. New Definitions for "Compact" and "Standard" Dishwashers

DOE proposes to change the definitions of "compact" and "standard" dishwashers, found in section 430.32(f). The current test procedure uses exterior width to define the following product classes. Compact dishwashers are those models less than 22 inches in exterior width. Standard dishwashers are equal to or greater than 22 inches in exterior width.

Upon reinvestigation of this definition, however, we believe that using width to determine the product class is not correct. The proposed definition would use place setting capacity to distinguish compact from standard models, the determinant used by industry and by the Federal Trade Commission (FTC) for labeling. Thus, the Department proposes to define a compact dishwasher as a unit with a capacity of fewer than eight place settings, and a standard dishwasher as a unit with a capacity of eight or more place settings. This change should provide a more accurate, useful, and consistent classification for consumers. We are aware, for example, of a few models for which the current DOE classification system seems inconsistent and misleading. Whirlpool, for example, manufactures an under-counter dishwasher under the Roper Brand, model RUD0800EB, which has an eight place setting capacity. Because it is only 18 inches wide, however, it is classified as a compact dishwasher. Under the proposed definition, the Whirlpool 18 inch model, along with all models having an 8 place setting plus six serving piece capacity, would be classified as standard dishwashers.

Another dishwasher that presents a potential for mislabeling under the current width-based definition is the "DishDrawer" model manufactured by Fisher & Paykel which can be purchased with one drawer (model DD601) or two drawers (model DD602). This two

drawer system operates as two stacked dishwashers sharing the same plumbing and washing system that can operate together or independently. However, if a customer only purchases the single drawer option, with its loading capacity of approximately 6 place settings, the single drawer model would be incorrectly classified as a standard-sized dishwasher because the drawer is greater than 22 inches wide. Disregarding the DOE definition, Fisher and Paykel has already marketed its single drawer model as a compact dishwasher, despite its standard-sized width.

The Department believes that a capacity-based definition of dishwasher class will be more useful to consumers when making purchasing decisions, since it appears that capacity, not width, is the criterion which most often determines a consumer's selection of a standard or compact model. This change will also ensure that all dishwashers are held to the appropriate minimum energy standard for their intended class, and that Federal definitions for making dishwasher class distinctions are rational. We therefore propose that the Department's definition of standard and compact dishwashers be based on capacity, consistent with the following FTC definitions (16 CFR Part 305 Appendix C):

"Compact" includes countertop dishwasher models with a capacity of fewer than eight (8) place settings.

"Standard" includes portable or built-in dishwasher models with a capacity of eight (8) or more place settings.

"Place settings shall be in accordance with Appendix C to Subpart B of 10 CFR part 430, [2.6.2]."

The Department proposes to modify Section 430.32(f) to read as follows:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.46

This definition would also be consistent with the current test procedure's requirement that an eight place setting load plus six serving pieces be used in dishwashers with water heating capabilities for tests of the

¹ 264 represents the average number of cycles per year for the odd years, 85/86, 87/88, 89/90, 91/92, 93/94, 95/96, based on survey data obtained by a member company of the SDA and provided to the Department by AHAM via letter dated July 22, 1998. Note: data for survey years 90/91 and 92/93 were disregarded as part of the incomplete set of data points for the even survey years.

normal cycle at temperatures below 140°F. Thus, if this change is adopted, the manufacturers of eight place setting capacity dishwashers would still be held to the same test required of all standard dishwashers.

Because the new definitions will change the size classifications for some dishwashers, models manufactured after the effective date of this rulemaking must meet the energy standard designated for their new size category. For example, under the proposed definition, a few models, such as Whirlpool model RUD0800EB, would be reclassified from compact to standard dishwashers and would thereby have a lower energy factor requirement (decreased from 0.62 cycles/kWh to 0.46 cycles/kWh). Conversely, those dishwashers not capable of handling the eight place setting plus six serving piece load, such as the Fisher & Paykel model DD601, would be required to meet higher energy factor (increased from 0.46 cycles/kWh to 0.62 cycles/kWh), which the Fisher & Paykel model already does (the energy factor for the one drawer model is 1.16 cycles/kWh). We would, however, like to know about any other dishwashers that would be affected by this change in definition.

C. Improving Testing Repeatability

The Department proposes several changes to clarify the existing test procedure and improve its repeatability when multiple tests are conducted.

- In the definitions of 10 CFR part 430, Subpart B, Appendix C, the Department proposes to modify the definition of "Truncated Normal Cycle."

Under the current definition, section 1.5, "Truncated Normal Cycle" means the normal cycle interrupted to eliminate the power-dry feature after the termination of the last rinse operation." Since the test procedure calls for the test cycle to be selected prior to its initiation and for the cycle to run to completion, we believe that it is more accurate to substitute the word "preset" for "interrupted." This change supports the statement in the test procedure that the cycle type be set and allowed to proceed to completion. The new definition would read: "'Truncated Normal Cycle' means the normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation."

- The Department proposes that the tolerance for the ambient temperature in testing conditions be tightened from the current range of between 70 °F and 85 °F to 75 ±5 °F.

According to NIST, a 15° temperature variation produced significant differences in the average machine energy consumption for the same

dishwasher running the normal cycle with an 8 piece load. NIST tests found that the average total energy consumption of dishwashers tested at 85 °F ambient would be 17.6 percent lower than dishwashers tested at 70 °F ambient. We feel this is a significant percentage of variation which should be reduced by narrowing the allowable temperature range for testing. This change would also be consistent with AHAM performance tests, which must be conducted in the temperature range of 75 ±5 °F, and would bring the temperature range closer to the one used by the IEC standard for testing dishwashers (59 °F to 77 °F, 20±5 °C).

The new language would be:

"2.5 *Ambient and machine temperature.* Using a temperature measuring device as specified in 3.1 of this Appendix, maintain the room ambient air temperature at 75±5°F, and ensure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle."

- The Department proposes to incorporate more detailed requirements for test chamber installation.

Currently, there are no installation instructions in the event that the manufacturer does not specify them. The test chamber provides an insulating effect which simulates under counter conditions and reduces heat loss to the environment, thereby increasing the overall energy performance. In an effort to improve the consistency of test results among laboratories, DOE proposes to add more detailed instructions to the dishwasher test procedure, using the wording proposed by AHAM. We are basing these proposed installation instructions on Underwriters Laboratories publication UL 749, "Standard for Safety: Household Dishwashers," to support uniformity among testing laboratories without adding significantly to the test burden. The proposed revised installation instructions are as follows:

"2. Testing conditions: 2.1 *Installation Requirements.* Install the dishwasher according to the manufacturer's instructions. A standard or compact under-counter or under-sink dishwasher must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a top, a bottom, a back, and two sides. If the dishwasher includes a countertop as part of the appliance, omit the top of the enclosure. Bring the enclosure into the closest contact with the appliance that the configuration of the dishwasher will allow."

- The Department proposes that manufacturers include a preconditioning cycle as part of the test procedure prior to running the test cycle.

We are aware that it is a common industry practice to run a preconditioning cycle for dishwashers before conducting a test. This ensures that the water lines and sump area of the pump are primed, which better approximates normal household conditions. Without this preconditioning cycle, the dishwasher consumes more water in the first fill than under normal operation. As a result, we believe this step should be included as part of the test procedure in order to improve consistency among laboratories.

- DOE proposes to introduce a new section, Section 3 "Instrumentation" to consolidate all measurement specifications and to base tolerances on nominal values.

Within this section, the Department proposes to add specifications for temperature measurement devices which were not stated previously. This will limit the variation in testing equipment accuracy. This separate section should also make it easier to identify the instrumentation requirements and will eliminate the need to restate measurement specifications in each section. The Department also proposes to change the way tolerances are specified to reduce the variation in testing conditions. By basing tolerances on nominal values, manufacturers will have a target specification and tolerance rather than a range of acceptable values.

- We propose to combine the sections explaining the Estimated Annual Operating Cost calculation (EAOOC) for dishwashers with and without truncated normal cycles.

We are consolidating these two sections to simplify the test procedure since the calculation for these two cases is identical.

D. Corrections to Last Published Rule

- The Department will correct two typographical errors found in the last published test procedure.

In current Section 1.11 "Water Heating Dishwasher," "heating" was misspelled, and in current Section 2.2.1 "Dishwashers that operate with an electrical supply of 240 volts," "electrical" was misspelled. Both are corrected in the amended test procedure.

- The Department proposes to remove language specific to dishwashers manufactured before 1994.

In the last published dishwasher test procedure, we set a date, May 14, 1994, prior to which all dishwashers were required to be equipped with an option to dry without heat. However, for dishwashers manufactured on or after

May 14, 1994, the sole requirement is that all dishwasher models meet the minimum energy standard. Therefore, since language specific to dishwashers manufactured before 1994 is no longer meaningful, the Department proposes to remove it. The resulting Section 430.32 would read:

(f) Dishwashers. The energy factor of dishwashers manufactured on or after May 14, 1994, must not be less than:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.46

• The Department proposes that "AHAM" be defined within Appendix C. The current test procedure references the AHAM DW-1 publication for the specifications of the test load without stating what "AHAM" stands for. Therefore, to clarify the source of the publication, we propose to introduce the following definition: "'AHAM' means the Association of Home Appliance Manufacturers."

E. Re-Testing Soil-Sensing Dishwasher Models With New Test Procedure

Based on our discussions with industry representatives, we understand that soil-sensing dishwashers represent a small portion of the overall dishwasher market. Because most soil-sensing models appear to be fully compliant with the current standard, rather than marginally compliant, we do not expect a significant number of machines to fail to meet the current standard using the new test procedure. Thus, the new test procedure will not require the Department to conduct a series of tests to determine whether to alter the minimum energy conservation standards currently in effect for dishwashers. However, once the new test procedure takes effect (30 days) after the publication of the final rulemaking, all manufacturers must re-test and rate soil-sensor models such that all representations are based on the new test procedure, effective 180 days after it becomes applicable. They must report the new energy use information to the Department, and all models previously in compliance with the standard which no longer meet the

standard will be grandfathered. If, however, the Department changes the minimum energy standard in the future, all models must comply with that standard, using the test procedure in effect at that time.

III. Procedural Requirements

A. Review Under the National Environmental Policy Act of 1969

In this proposed rule, the Department proposes amendments to test procedures that may be used to implement future energy conservation standards for dishwashers. The Department has determined that this proposed rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 *et seq.* The proposed rule is covered by Categorical Exclusion A5, for rulemakings that interpret or amend an existing rule without changing the environmental effect, as set forth in the Department's NEPA regulations in Appendix A to Subpart D, 10 CFR part 1021. This proposed rule will not affect the quality or distribution of energy usage and, therefore, will not result in any environmental impacts. Accordingly, neither an environmental impact statement nor an environmental assessment is required.

B. Review Under Executive Order 12866, "Regulatory Planning and Review"

This regulatory proposal is not a "significant regulatory action" under Executive Order 12866, "Regulatory Planning and Review," 58 FR 51735 (October 4, 1993). Accordingly, the proposed action is not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

C. Review Under the Regulatory Flexibility Act of 1980

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601-612, requires that an agency prepare an initial regulatory flexibility analysis for any rule, for which a general notice of proposed rulemaking is required, that would have a significant economic effect on small entities unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. 5 U.S.C. 605.

This proposed rule prescribes test procedures that will be used to test compliance with energy conservation standards. The proposed rule affects dishwasher test procedures and would not have a significant economic impact, but rather would provide common

testing methods. Therefore DOE believes that the proposed rule would not have a "significant economic impact on a substantial number of small entities," and the preparation of a regulatory flexibility analysis is not warranted.

D. "Takings" Assessment Review

DOE has determined pursuant to Executive Order 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 18, 1988), that this regulatory proposal, if adopted, would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution.

E. Federalism Review

Executive Order 12612, "Federalism," 52 FR 41685 (October 30, 1987), requires that regulations, rules, legislation, and any other policy actions be reviewed for any substantial direct effects on States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among various levels of Government. If there are substantial direct effects, then this Executive Order requires preparation of a Federalism assessment to be used in all decisions involved in promulgating and implementing a policy action.

The proposed rule published today would not regulate the States. Accordingly, DOE has determined that preparation of a Federalism assessment is unnecessary.

F. Review Under the Paperwork Reduction Act

No new information or recordkeeping requirements are imposed by this proposed rulemaking. Accordingly, no OMB clearance is required under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

G. Review Under Executive Order 12988, "Civil Justice Reform"

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, "Civil Justice Reform," 61 FR 4729 (February 7, 1996), imposes on executive agencies the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of the Executive Order specifically requires that Executive agencies make every reasonable effort to

ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and reducing burdens; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3 of the Executive Order requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them.

The Department reviewed today's proposed rule under the standards of Section 3 of the Executive Order and determined that, to the extent permitted by law, it meets the requirements of those standards.

H. Review Under the Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995 ("Unfunded Mandates Act") requires that the Department prepare a budgetary impact statement before promulgating a rule that includes a Federal mandate that may result in expenditure by state, local, and tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any one year. The budgetary impact statement must include: (i) Identification of the Federal law under which the rule is promulgated; (ii) a qualitative and quantitative assessment of anticipated costs and benefits of the Federal mandate and an analysis of the extent to which such costs to state, local, and tribal governments may be paid with Federal financial assistance; (iii) if feasible, estimates of the future compliance costs and of any disproportionate budgetary effects the mandate has on particular regions, communities, non-Federal units of government, or sectors of the economy; (iv) if feasible, estimates of the effect on the national economy; and (v) a description of the Department's prior consultation with elected representatives of state, local, and tribal governments and a summary and evaluation of the comments and concerns presented.

The Department has determined that the action proposed today does not include a Federal mandate that may result in estimated costs of \$100 million or more to state, local, or tribal governments in the aggregate or to the

private sector. Therefore, the requirements of Sections 203 and 204 of the Unfunded Mandates Act do not apply to this action.

I. Review Under the Plain Language Directives

Section 1(b)(12) of Executive Order 12866 requires that each agency shall draft its regulations to be simple and easy to understand, with the goal of minimizing the potential for uncertainty and litigation arising from such uncertainty. Similarly, the Presidential memorandum of June 1, 1998 (63 FR 31883) directs the heads of executive departments and agencies to use, by January 1, 1999, plain language in all proposed and final rulemaking documents published in the **Federal Register**, unless the rule was proposed before that date.

Today's proposed rule uses the following general techniques to abide by Section 1(b)(12) of Executive Order 12866 and the Presidential memorandum of June 1, 1998 (63 FR 31883):

- Organization of the material to serve the needs of the readers (stakeholders).
- Use of common, everyday words in short sentences.
- Shorter sentences and sections.

We invite your comments on how to make this proposed rule easier to understand.

J. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. No. 105-277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. Today's proposal would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

IV. Public Comment

A. Written Comment Procedures

The Department invites interested persons to participate in the proposed rulemaking by submitting data, comments, or information with respect to the proposed issues set forth in today's proposed rule to Ms. Barbara Twigg, at the address indicated at the beginning of this notice. We will consider all submittals received by the date specified at the beginning of this notice in developing the final rule.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and ten (10) copies, if possible, from which the information believed to be confidential has been deleted. The Department of Energy will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to the Department when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Public Workshop

1. Procedures for Submitting Requests To Speak

You will find the time and place of the public workshop listed at the beginning of this notice of proposed rulemaking. The Department invites any person who has an interest in today's notice of proposed rulemaking, or who is a representative of a group or class of persons that has an interest in these proposed issues, to make a request for an opportunity to make an oral presentation. If you would like to attend the public workshop, please notify Ms. Brenda Edwards-Jones at (202) 586-2945. You may hand deliver requests to speak to the address indicated at the beginning of this notice between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays, or send them by mail.

The person making the request should state why he or she, either individually or as a representative of a group or class of persons, is an appropriate spokesperson, briefly describe the nature of the interest in the rulemaking, and provide a telephone number for contact.

The Department requests each person selected to be heard to submit an

advance copy of his or her statement at least two weeks prior to the date of this workshop as indicated at the beginning of this notice. The Department, at its discretion, may permit any person wishing to speak who cannot meet this requirement to participate if that person has made alternative arrangements with the Office of Codes and Standards in advance. The letter making a request to give an oral presentation must ask for such alternative arrangements.

2. Conduct of Workshop

The workshop (hearing) will be conducted in an informal, conference style. The Department may use a professional facilitator to facilitate discussion, and a court reporter will be present to record the transcript of the meeting. We will present summaries of comments received before the workshop, allow time for presentations by workshop participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Following the workshop, we will provide an additional comment period, during which interested parties will have an opportunity to comment on the proceedings at the workshop, as well as on any aspect of the rulemaking proceeding.

The Department will arrange for a transcript of the workshop and will make the entire record of this rulemaking, including the transcript, available for inspection in the Department's Freedom of Information Reading Room. Any person may purchase a copy of the transcript from the transcribing reporter.

C. Issues Requested for Comment

The Department of Energy is interested in receiving comments and/or data concerning the feasibility, workability, and appropriateness of the test procedures proposed in this proposed rulemaking. Also, DOE welcomes discussion on improvements or alternatives to these approaches. We are especially interested in any data regarding:

- (1) The frequency with which dishwashers' loads are pre-treated;
- (2) The amount of water energy consumed in pretreatment (kW);
- (3) The degree of cleanliness of pre-treated dishes;
- (4) The typical soil levels for the normal cycle;
- (5) The frequency that max., min., and other normal cycles are run and the corresponding energy consumption for those respective cycles;
- (6) Any dishwashers adversely affected by changing the definitions of compact and standard models; and

(7) any soil-sensing dishwashers adversely affected by the new test procedure.

These data will help us to select the percentages reflecting how often dishwashers encounter well-rinsed or soiled loads.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, on September 20, 1999.

Dan W. Reicher,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, the Department proposes to amend Part 430 of Chapter II of Title 10, Code of Federal Regulations, to read as follows.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for Part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

2. Section 430.23 of Subpart B is amended by revising the section heading, and paragraph (c) to read as follows:

§ 430.23 Test procedures for the measurement of energy consumption.

* * * * *

(c) Dishwashers. (1) The Estimated Annual Operating Cost (EAOC) for dishwashers is defined as follows:

(i) When electrically-heated water (120 °F or 140 °F) is used or when cold water (50 °F) is used—

(A) For dishwashers having a truncated normal cycle as defined in 1.10 of appendix C to this subpart, $EAOC_t = N \times D_e \times [0.5 \times (M_n + M_t)]$, and

(B) For dishwashers not having a truncated normal cycle, $EAOC_n = N \times D_e \times M_n$,

where

N = the representative average use of 264 cycles per year,

D_e = the representative average unit cost of electrical energy in dollars per kilowatt-hour as provided by the Secretary.

M_n = the total machine electrical energy consumption per-cycle for the normal cycle as defined in 1.5 of Appendix C to this subpart, in kilowatt-hours and determined according to 5.1 of Appendix C to this subpart.

M_t = the total machine electrical energy consumption per-cycle for the

truncated normal cycle as defined in 1.10 of Appendix C to this subpart, in kilowatt-hours and determined according to 5.1 of Appendix C to this subpart.

(C) You must round off the resulting estimated annual operating cost to the nearest dollar per year.

(ii) When gas-heated or oil-heated water is used:

(A) For dishwashers having a truncated normal cycle as defined in 1.10 of Appendix C to this subpart, $EAOC_t = N \times [(D_e \times 0.5(M_n + M_t)) + (D_w \times 0.5(W_n + W_t))]$, and

(B) For dishwashers not having a truncated normal cycle, $EAOC_n = N \times [(D_e \times M_n) + (D_w \times W_n)]$,

where

N , D_e , M_n , and M_t are defined in (c)(1)(i) of this section.

D_w = the representative average unit cost in dollars per Btu for gas or oil, as appropriate, as provided by the Secretary.

W_n = the total water energy consumption per cycle for the normal cycle as defined in 1.5 of appendix C to this subpart, in Btus and determined according to 5.3 of appendix C to this subpart.

W_t = the total water energy consumption per cycle for the truncated normal cycle as defined in 1.10 of appendix C to this subpart, in Btus and determined according to 5.3 of appendix C to this subpart.

(C) You must round off the resulting estimated annual operating cost to the nearest dollar per year.

(2) The energy factor for dishwashers, expressed in cycles per kilowatt-hour is defined as:

(i) For dishwashers not having a truncated normal cycle, as defined in 1.10 of Appendix C to this subpart, the reciprocal of the total energy consumption per cycle for the normal cycle in kilowatt-hours per cycle, determined according to 5.5 of appendix C to this subpart, and

(ii) For dishwashers having a truncated normal cycle, as defined in 1.10 of appendix C to this subpart, the reciprocal of one-half the sum of—

(A) The total energy consumption per cycle for the normal cycle, plus

(B) The total energy consumption per cycle for the truncated normal cycle, each in kilowatt-hours per cycle and determined according to 5.5 of appendix C to this subpart.

(3) Other useful measures of energy consumption for dishwashers are those which the Secretary determines are likely to assist consumers in making purchasing decisions and which are

derived from the application of Appendix C to this subpart.

* * * * *

3. Appendix C to Subpart B of Part 430 is revised to read as follows:

**Appendix C to Subpart B of Part 430—
Uniform Test Method for Measuring the
Energy Consumption of Dishwashers**

1. Definitions

1.1 *AHAM* means the Association of Home Appliance Manufacturers.

1.2 *Conventional dishwasher* means a dishwasher that does not have a mechanism to adjust the cycle and/or number of wash or rinse operations based on the soil load of the dishes.

1.3 *Cycle* means a sequence of operations of a dishwasher which performs a complete dishwashing function, and may include variations or combinations of washing, rinsing, and drying.

1.4 *Cycle type* means any complete sequence of operations capable of being preset on the dishwasher prior to the initiation of machine operation.

1.5 *Normal cycle* means the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes including the power-dry feature.

1.6 *Power-dry feature* means the introduction of electrically generated heat into the washing chamber for the purpose of improving the drying performance of the dishwasher.

1.7 *Sensor normal cycle* means the range of operations in a soil-sensing dishwasher that constitutes the cycle type recommended by the manufacturer for completely washing a full load of normally soiled dishes including the power-dry feature.

1.8 *Sensor truncated normal cycle* means the sensor normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation.

1.9 *Soil-sensing dishwasher* means a dishwasher that has a mechanism to adjust the cycle and/or number of wash or rinse operations based on the soil load of the dishes.

1.10 *Truncated normal cycle* means the normal cycle preset to eliminate the power-dry feature after the termination of the last rinse operation.

1.11 *Water heating dishwasher* means a dishwasher which is designed for heating cold inlet water (nominal 50 °F) or a dishwasher for which the manufacturer recommends operation with a nominal inlet water temperature of 120 °F, and may operate at either of these inlet water temperatures by providing internal water heating to above 120 °F in at least one wash phase of the normal cycle.

2. Test Conditions

2.1 *Installation Requirements.* Install the dishwasher according to the manufacturer's instructions. A standard or compact under-counter or under-sink dishwasher must be tested in a rectangular enclosure constructed of nominal 0.374 inch (9.5 mm) plywood painted black. The enclosure must consist of a top, a bottom, a back, and two sides. If the

dishwasher includes a counter top as part of the appliance, omit the top of the enclosure. Bring the enclosure into the closest contact with the appliance that the configuration of the dishwasher will allow.

2.2 Electrical energy supply.

2.2.1 *Dishwashers that operate with an electrical supply of 115 volts.* Maintain the electrical supply to the dishwasher within two percent of 115 volts and within one percent of the nameplate frequency as specified by the manufacturer.

2.2.2 *Dishwashers that operate with an electrical supply of 240 volts.* Maintain the electrical supply to the dishwasher within two percent of 240 volts and within one percent of its nameplate frequency as specified by the manufacturer.

2.3 *Water temperature.* Measure the temperature of the water supplied to the dishwasher using a temperature measuring device as specified in 3.1 of this Appendix.

2.3.1 *Dishwashers to be tested at a nominal 140 °F inlet water temperature.* Maintain the water supply temperature at 140 ± 5 °F.

2.3.2 *Dishwashers to be tested at a nominal 120 °F inlet water temperature.* Maintain the water supply temperature at 120 ± 2 °F.

2.3.3 *Dishwashers to be tested at a nominal 50 °F inlet water temperature.* Maintain the water supply temperature at 50 ± 2 °F.

2.4 *Water pressure.* Using a water pressure gauge as specified in 3.3 of this Appendix, maintain the pressure of the water supply at 35 ± 2.5 pounds per square inch gauge (psig).

2.5 *Ambient and machine temperature.* Using a temperature measuring device as specified in 3.1 of this Appendix, maintain the room ambient air temperature at 75 ± 5 °F, and ensure that the dishwasher and the test load are at room ambient temperature at the start of each test cycle.

2.6 Load.

2.6.1 *Conventional dishwashers to be tested at a nominal inlet temperature of 140 °F.* These units must be tested on the normal cycle without a test load.

2.6.2 *Conventional dishwashers to be tested at a nominal inlet temperature of 50 °F or 120 °F.* These units must be tested on the normal cycle with a test load of eight place settings plus six serving pieces, as specified in Section 6 of AHAM Standard DW-1. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place settings, then the test load must be the stated capacity.

2.6.3 *Soil-sensing dishwashers to be tested at a nominal inlet temperature of 140 °F.* These units must be tested on the sensor normal cycle, as defined in 1.7 of this Appendix, without a test load.

2.6.4 *Soil-sensing dishwashers to be tested at a nominal inlet temperature of 50 °F or 120 °F.* These units must be tested on the sensor normal cycle, as defined in 1.7 of this Appendix, with a test load of eight place settings plus six serving pieces, as specified in section 6 of AHAM Standard DW-1. If the capacity of the dishwasher, as stated by the manufacturer, is less than eight place settings, then the test load must be the stated capacity.

2.7 *Testing requirements.* Provisions in this Appendix pertaining to dishwashers that operate with a nominal inlet temperature of 50 °F or 120 °F apply only to water heating dishwashers.

2.8 *Preconditioning cycle.* Perform a preconditioning cycle by establishing the testing conditions set forth in sections 2.1 through 2.5 of this Appendix. Set the dishwasher to the normal cycle without using a test load, initiate the cycle, and allow the cycle to proceed to completion. Ensure that the water lines and sump area of the pump are primed.

3. Instrumentation

3.1 *Temperature measuring device.* The device must have an error no greater than ± 1 °F over the range being measured.

3.2 *Water meter.* The water meter must have a resolution of no larger than 0.1 gallons and a maximum error no greater than 1.5 percent for all water flow rates from one to five gallons per minute and for all water temperatures encountered in the test cycle.

3.3 *Water pressure gauge.* The water pressure gauge must have a resolution of one pound per square inch (psi) and must have an error no greater than 5 percent of any measured value over the range of 35 ± 2.5 psig.

3.4 *Watt-hour meter.* The watt-hour meter must have a resolution of no greater than 1 watt-hour and a maximum error of no more than 1 percent of the measured value for any demand greater than 50 watts.

4. Test Cycle and Measurements

4.1 *Test cycle.* Perform a test cycle by establishing the testing conditions set forth in section 2 of this Appendix, setting the dishwasher to the cycle type to be tested, initiating the cycle, and allowing the cycle to proceed to completion.

4.2 Machine electrical energy consumption.

4.2.1 *Conventional dishwashers only.* Measure the electrical energy consumed by the machine during the test cycle, M , expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4.

4.2.2 *Soil-sensing dishwashers only.* Measure the electrical energy consumed by the machine during the minimum sensor normal cycle, M_{\min} , expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4. Measure the electrical energy consumed by the machine during the maximum sensor normal cycle, M_{\max} , expressed in kilowatt-hours per cycle, using a water supply temperature as set forth in 2.3 of this Appendix and using a watt-hour meter as specified in 3.4. If a manufacturer cannot artificially force a maximum sensor normal response, the manufacturer must introduce a soil load, as specified in the AHAM DW-1 performance test, and record the machine electrical energy consumption as M_{\max} .

4.3 Water consumption.

4.3.1 *Conventional dishwashers only.* Measure the water consumption, V , specified as the number of gallons delivered to the

dishwasher during the entire test of the normal cycle, using a water meter as specified in 3.2 of this Appendix.

4.3.2 Soil-sensing dishwashers only. Measure the minimum water consumption, V_{\min} , specified as the number of gallons delivered to the dishwasher during the sensor normal test cycle, using a water meter as specified in 3.2 of this Appendix. Measure the maximum water consumption, V_{\max} , specified as the number of gallons delivered to the dishwasher during the maximum sensor normal test cycle, using a water meter as specified in 3.2 of this Appendix.

4.4 Report values. You must report the electrical energy consumption and water consumption values for the machine, as measured.

5. Calculation of Derived Results From Test Measurements

5.1 Machine energy consumption.

Determine the machine energy consumption for conventional or soil-sensing dishwashers according to sections 5.1.1 and 5.2.2, respectively. Use the notation M_n to represent the resulting value, M , for a test of the normal or sensor normal cycle and M_t to represent the resulting value, M , for a test of the truncated normal or sensor truncated normal cycle.

5.1.1 Conventional dishwashers only. For each test cycle (normal or truncated normal), use the measured value recorded in section 4.2.1 as the per-cycle machine electrical energy consumption, M , expressed in kilowatt-hours per cycle.

5.1.2 Soil-sensing dishwashers only. For each test cycle (sensor normal or sensor truncated normal), calculate the electrical energy consumption for the machine, M , expressed in kilowatt-hours per cycle and defined as:

$$M = [M_{\min} \times (P) + M_{\max} \times (1 - P)]$$

where,

M_{\min} = the machine electrical energy consumption during the sensor normal cycle as measured according to section 4.2.2.

P = the fraction of residential dishwasher owners that pre-treat dishes = 0.70.

M_{\max} = the machine electrical energy consumption with the maximum sensor normal response as measured according to section 4.2.2.

$(1 - P)$ = the fraction of residential dishwasher owners that do not pre-treat dishes = 0.30.

5.2 Water consumption per cycle for soil-sensing dishwashers only. For each test cycle (sensor normal or sensor truncated normal), calculate the water consumption, V , expressed in gallons per cycle and defined as:

$$V = [V_{\min} \times (P) + V_{\max} \times (1 - P)]$$

where,

V_{\min} = the water consumption during the minimum sensor normal cycle, as measured according to section 4.3.2.

P = the fraction of residential dishwasher owners that pre-treat dishes = 0.70.

V_{\max} = the water consumption with the maximum sensor normal response, as measured according to section 4.3.2.

$(1 - P)$ = the fraction of residential dishwasher owners that do not pre-treat dishes = 0.30.

5.3 Water energy consumption per cycle for dishwashers using electrically heated water. Determine the water energy consumption for conventional dishwashers according to sections 5.3.1.1 and 5.3.2.1. Determine the water energy consumption for soil-sensing dishwashers according to sections 5.3.1.2 and 5.3.2.2. Use the notation W_{en} to represent the resulting value, W_e , for a test of the normal or sensor normal cycle and W_{et} to represent the resulting value, W_e , for a test of the truncated normal or sensor truncated normal cycle.

5.3.1 Dishwashers that operate with a nominal 140 °F inlet water temperature, only.

5.3.1.1 Conventional dishwashers. For each test cycle, calculate the water energy consumption, W_e , expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times T'' \times K$$

where,

V = reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T'' = nominal water heater temperature rise = 90 °F.

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.3.1.2 Soil-sensing dishwashers. For each test cycle, calculate the water energy consumption, W_e , expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times T'' \times K$$

where,

V is calculated in 5.2 of this Appendix.

T'' = nominal water heater temperature rise = 90 °F.

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.3.2 Dishwashers that operate with a nominal inlet water temperature of 120 °F.

5.3.2.1 Conventional dishwashers. For each test cycle, calculate the water energy consumption, W_e , expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times T' \times K$$

where,

V = reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T' = nominal water heater temperature rise = 70 °F.

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.3.2.2 Soil-sensing dishwashers. For each test cycle, calculate the water energy consumption, W_e , expressed in kilowatt-hours per cycle and defined as:

$$W_e = V \times T' \times K$$

where,

V is calculated in 5.2 of this Appendix.

T' = nominal water heater temperature rise = 70 °F.

K = specific heat of water in kilowatt-hours per gallon per degree Fahrenheit = 0.0024.

5.4 Water energy consumption per cycle using gas-heated or oil-heated water.

Determine the water energy consumption for conventional dishwashers according to §§ 5.4.1.1 and 5.4.2.1. Determine the water

energy consumption for soil-sensing dishwashers according to sections 5.4.1.2 and 5.4.2.2. Use the notation W_{gn} to represent the resulting value, W_g , for a test of the normal or sensor normal cycle and W_{gt} to represent the resulting value, W_g , for a test of the truncated normal or sensor truncated normal cycle.

5.4.1 Dishwashers that operate with a nominal 140 °F inlet water temperature, only.

5.4.1.1 Conventional dishwashers. For each test cycle, calculate the water energy consumption using gas-heated or oil-heated water, W_g , expressed in Btus per cycle and defined as:

$$W_g = V \times T'' \times C/e$$

where,

V = reported water consumption in gallons per cycle, as measured in 4.3.1 of this Appendix.

T'' = nominal water heater temperature rise = 90 °F.

C = specific heat of water in Btus per gallon per degree Fahrenheit = 8.20.

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.4.1.2 Soil-sensing dishwashers. For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W_g , expressed in Btus per cycle and defined as:

$$W_g = V \times T'' \times C/e$$

where,

V is calculated in 5.2 of this Appendix.

T'' = nominal water heater temperature rise = 90 °F.

C = specific heat of water in Btus per gallon per degree Fahrenheit = 8.20.

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.4.2 Dishwashers that operate with a nominal inlet water temperature of 120 °F.

5.4.2.1 Conventional dishwashers. For each test cycle, calculate the water energy consumption using gas heated or oil heated water, W_g , expressed in Btus per cycle and defined as:

$$W_g = V \times T' \times C/e$$

where,

V is measured in 4.3.1 of this Appendix.

T' = nominal water heater temperature rise = 70 °F.

C = specific heat of water in Btus per gallon per degree Fahrenheit = 8.20.

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.4.2.2 Soil-sensing dishwashers.

Calculate for the cycle type under test the water energy consumption per cycle using gas heated or oil heated water, W_g , expressed in Btus per cycle and defined as:

$$W_g = V \times T' \times C/e$$

where

V is calculated in 5.2 of this Appendix.

T' = nominal water heater temperature rise = 70 °F.

C = specific heat of water in Btus per gallon per degree Fahrenheit = 8.20.

e = nominal gas or oil water heater recovery efficiency = 0.75.

5.5 Total energy consumption per cycle. For each test cycle, calculate the total per-cycle energy consumption, E , expressed in

kilowatt-hours per cycle, and defined as the sum of the per-cycle machine electrical energy consumption, M, plus the per-cycle water energy consumption of electrically-heated water, W, calculated for the cycle type, according to 5.1 and 5.3 respectively.

4. Section 430.32 of Subpart C is amended by revising paragraph (f) to read as follows:

§ 430.32 Energy and water conservation standards and effective dates.

* * * * *

(f) *Dishwashers.* The energy factor of dishwashers manufactured on or after May 14, 1994, must not be less than:

Product class	Energy factor (cycles/KWh)
(1) Compact Dishwasher (capacity less than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.62
(2) Standard Dishwasher (capacity equal to or greater than eight place settings plus six serving pieces as specified in section 6 of AHAM Standard DW-1)	0.46

* * * * *

[FR Doc. 99-25186 Filed 9-27-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-NE-39-AD]

RIN 2120-AA64

Airworthiness Directives; CFE Company Model CFE738-1-1B Turbofan Engines

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to CFE Company Model CFE738-1-1B turbofan engines. This proposal would require, on certain engines identified by serial numbers, a one-time visual inspection of Stage 2 high pressure turbine (HPT) aft cooling plates, for nicks, dents, and scratches, and if present, dimensional inspection of indentation depth, repair if indentation is within acceptable limits, and, if necessary, replacement with serviceable parts. This AD would also require inspection of the Stage 2

HPT rotor disk post aft surface which mates with the Stage 2 HPT aft cooling plate, for raised metal and removal of the raised metal, if present. This proposal is prompted by reports of dented Stage 2 HPT aft cooling plates which occurred during the assembly of the cooling plate to the Stage 2 disk due to raised metal on the stage 2 HPT disk post aft mating surface. The actions specified by the proposed AD are intended to prevent aft HPT cooling plate failure, which could result in an uncontained engine failure and damage to the airplane.

DATES: Comments must be received by November 29, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-39-AD, 12 New England Executive Park, Burlington, MA 01803-5299. Comments may also be sent via the Internet using the following address: "9-ane-adcomment@faa.gov". Comments sent via the Internet must contain the docket number in the subject line. Comments may be inspected at this location between 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from CFE Company, Data Distribution, MS 64-03/2101-201, P.O. Box 52170, Phoenix, AZ 85972-2170; telephone (602) 365-2493, fax (602) 365-5577. This information may be examined at the FAA, New England Region, Office of the Regional Counsel, 12 New England Executive Park, Burlington, MA.

FOR FURTHER INFORMATION CONTACT: Keith Mead, Aerospace Engineer, Engine Certification Office, FAA, Engine and Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803-5299; telephone (781) 238-7744, fax (781) 238-7199.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket Number 99-NE-39-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, New England Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-NE-39-AD, 12 New England Executive Park, Burlington, MA 01803-5299.

Discussion

The Federal Aviation Administration (FAA) has received reports of certain Stage 2 high pressure turbine (HPT) aft cooling plates, installed on CFE Company Model CFE738-1-1B turbofan engines, that were dented during the assembly of the cooling plate to the stage 2 disk due to raised metal on the aft mating face of the Stage 2 HPT rotor disk post. During the assembly of the high-pressure turbine rotor, the Stage 2 disk is restrained with a special tool fixture. It has been determined that a condition occurring in this fixture as early as January 1998, may have resulted in raised metal on the disk post aft surface, which interfaces with the aft cooling plate. The higher the raised metal on the disk post, the deeper the dent in the cooling plate. The fixture has been repaired to prevent further occurrences and engines which may be effected by this condition have been identified by serial numbers. Analysis indicates that nicks, dents, and scratches on the Stage 2 HPT aft cooling plate exceeding a certain depth would result in a reduction in part cyclic life. This condition, if not corrected, could result in aft HPT cooling plate failure, which could result in an uncontained engine failure and damage to the airplane.

Service Information

The FAA has reviewed and approved the technical contents of CFE Alert

Service Bulletin (ASB) CFE738-A72-8031, Revision 1, dated June 23, 1999, that describes the dimensional inspection procedures for indentation depth on aft HPT cooling plates, inspection of the stage 2 HPT rotor disk for raised metal, and the acceptance and repair criteria of the Stage 2 HPT aft cooling plate and HPT rotor disk.

Proposed Actions

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require, on engines identified by S/N, a one-time visual inspection of Stage 2 high pressure turbine (HPT) aft cooling plates for nicks, dents, and scratches, and if present, dimensional inspection of indentation depth, repair if indentation is within acceptable limits, and, if necessary, replacement with serviceable parts. This AD would also require inspection of the Stage 2 HPT rotor disk post aft surface which mates with the Stage 2 HPT aft cooling plate, for raised metal, and, removal of the raised metal, if present. The inspections would be required at the next shop visit after the effective date of this AD where the HPT assembly is sufficiently disassembled to afford access to the Stage 2 HPT aft cooling plate, but not later than 4,500 part cycles since new (CSN) in accordance with the ASB described previously.

Economic Analysis

There are approximately 72 engines of the affected design in the worldwide fleet. The FAA estimates that 48 engines installed on aircraft of US registry would be affected by this proposed AD, that it would take approximately 4 work hours per engine to accomplish the proposed inspection if the inspection did not take place during scheduled maintenance, and that the average labor rate is \$60 per work hour. Required parts would cost approximately \$1,536 per engine. Based on these figures, the total cost impact of the proposed AD on US operators is estimated to be \$106,560.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1)

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Company: Docket No. 99-NE-39-AD.

Applicability: CFE Model CFE738-1-1B turbofan engines, serial numbers (S/Ns) 105267 through 105339, inclusive. These engines are installed on but not limited to Dassault-Breguet Falcon 2000 series aircraft.

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

Compliance: Required as indicated, unless accomplished previously.

(a) At the next engine shop visit after the effective date of this AD where the HPT assembly is sufficiently disassembled to afford access to the Stage 2 HPT aft cooling plate, but not later than 4500 part cycles-since-new (CSN), accomplish the following

in accordance with CFE Alert Service Bulletin (ASB) No. CFE738-A72-8031, Revision 1, dated June 23, 1999 as follows:

(1) Inspect the stage 2 HPT aft cooling plate for nicks, dents, and scratches on surface D in accordance with the requirements of ASB No. CFE738-A72-8031 paragraph 2.B.(1).

(2) Repair those stage 2 HPT aft cooling plates with indentation less than 0.003 inch deep in accordance with ASB No. CFE738-A72-8031 paragraph 2.B.(1).

(3) Remove from service prior to further flight those stage 2 HPT aft cooling plates which have nicks, dents, and/or scratches that exceed the acceptance limits in accordance with ASB No. CFE738-A72-8031 paragraph 2.B.(1), and replace with a serviceable part.

(4) Inspect the stage 2 HPT rotor disk post aft mating surface for raised metal, and remove raised metal if present in accordance with ASB No. CFE738-A72-8031 section 2.B.(2).

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

Note 2: Information concerning the existence of approved alternative methods of compliance with this airworthiness directive, if any, may be obtained from the ECO.

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

Issued in Burlington, Massachusetts, on September 20, 1999.

David A. Downey,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 99-25122 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99-CE-61-AD]

RIN 2120-AA64

Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to supersede Airworthiness Directive (AD) 98-08-07, which currently requires replacing the rudder and elevator pivot arms with parts of improved design on

certain Pilatus Aircraft Ltd. (Pilatus) Model PC-7 airplanes. The proposed AD would require replacing the rudder and elevator pivot arms with parts that have been improved since issuance of AD 98-08-07. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Switzerland. The actions specified by the proposed AD are intended to prevent failure of the elevator and rudder caused by fatigue cracking of the pivot arms, which could result in reduced airplane controllability and possible loss of control of the airplane.

DATES: Comments must be received on or before October 27, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-61-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Roman T. Gabrys, Aerospace Engineer, FAA, Small Airplane Directorate, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as

they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 99-CE-61-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99-CE-61-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

AD 98-08-07, Amendment 39-10456 (63 FR 17323, April 9, 1998), currently requires replacing the rudder and elevator pivot arms with the following parts of improved design, on certain Pilatus Model PC-7 airplanes:

Designation	New part No.
Pivot Arm—Left-hand Elevator	113.50.07.108
Pivot Arm—Right-hand Elevator	113.50.07.109
Pivot Arm—Upper Rudder	113.40.07.084
Pivot Arm—Lower Rudder	113.40.07.083

Accomplishment of AD 98-08-07 was required in accordance with Pilatus Service Bulletin No. PC7-55-001, Revision No. 1, dated June 20, 1995.

AD 98-08-07 was the result of reports of cracks in the elevator and rudder trim tab pivot arms on the above-referenced airplanes.

The actions specified in AD 98-08-07 were intended to prevent failure of the elevator and rudder caused by fatigue cracking of the pivot arms, which could result in reduced airplane controllability and possible loss of control of the airplane.

Actions Since Issuance of Previous Rule

The Federal Office for Civil Aviation (FOCA), which is the airworthiness authority for Switzerland, recently notified the FAA that an unsafe condition may exist on certain Pilatus PC-7 airplanes. The FOCA of Switzerland advises that cracks have been found in the improved design rudder and elevator pivot arms that are specified in Pilatus Service Bulletin No. PC7-55-001, Revision No. 1, dated June 20, 1995, and mandated to be installed by AD 98-08-07.

Analysis reveals that the cause of the cracks is due to a manufacturing defect where the manufacturing process deviated from the design specifications.

Relevant Service Information

Pilatus has issued Service Bulletin No. 55-003, dated July 7, 1999, which specifies procedures for replacing the rudder and elevator pivot arms with parts of improved design, as follows:

Designation	Previous part No. installed per AD 98-08-07	New part No.
Pivot Arm, Inner Elevator	113.50.07.108	113.50.07.108 (green paint).
Pivot Arm, Outer Elevator	113.50.07.109	113.50.07.109 (green paint).
Pivot Arm, Upper Rudder	113.40.07.084	113.40.07.084 (green paint).
Pivot Arm, Lower Rudder	113.40.07.083	113.40.07.083 (green paint).

The FOCA classified this service bulletin as mandatory and issued Swiss Airworthiness Directive HB 99-412, Effective Date: August 31, 1999, in order

to assure the continued airworthiness of these airplanes in Switzerland.

The FAA's Determination

This airplane model is manufactured in Switzerland and is type certificated for operation in the United States under

the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the FOCA of Switzerland has kept the FAA informed of the situation described above.

The FAA has examined the findings of the FOCA; reviewed all available information, including the referenced service information; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Pilatus PC-7 airplanes of the same type design registered for operation in the United States, the FAA is proposing AD action to supersede AD 98-08-07. The proposed AD would require replacing the rudder and elevator pivot arms with parts that have been improved since issuance of AD 98-08-07.

Cost Impact

The FAA estimates that 8 airplanes in the U.S. registry would be affected by the proposed AD, that it would take approximately 6 workhours per airplane to accomplish the proposed action, and that the average labor rate is approximately \$60 an hour. Parts cost approximately \$300 per airplane. Based on these figures, the total cost impact of the proposed AD on U.S. operators is estimated to be \$5,280, or \$660 per airplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects

on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing Airworthiness Directive (AD) 98-08-07, Amendment 39-10456, and by adding a new AD to read as follows:

Pilatus Aircraft Ltd.: Docket No. 99-CE-61-AD; Supersedes AD 98-08-07, Amendment 39-10456.

Applicability: Model PC-7 airplanes, manufacturer serial number (MSN) 001 through MSN 614, certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent fatigue failure of the elevator and rudder trim tab pivot arms because of cracks, which could result in the loss of airplane control, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, replace the rudder and elevator pivot arms with parts of improved design (or FAA-approved equivalent part numbers), as specified in and in accordance with Pilatus Service Bulletin No. 55-003, dated July 7, 1999. The part numbers of the improved design pivot arms are reflected in the following chart:

Designation	Previous part No. installed per AD 98-08-07	New part No.
Pivot Arm, Inner Elevator	113.50.07.108	113.50.07.108 (green paint).
Pivot Arm, Outer Elevator	113.50.07.109	113.50.07.109 (green paint).
Pivot Arm, Upper Rudder	113.40.07.084	113.40.07.084 (green paint).
Pivot Arm, Lower Rudder	113.40.07.083	113.40.07.083 (green paint).

(b) As of the effective date of this AD, no person may install, on any of the affected airplanes, an elevator or rudder pivot arm that is not of the improved design specified in paragraph (a) of this AD.

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to

a location where the requirements of this AD can be accomplished.

(d) An alternative method of compliance or adjustment of the compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106.

(1) The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

(2) Alternative methods of compliance approved in accordance with AD 98-08-07 are not considered approved as alternative methods of compliance for this AD.

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

(e) Questions or technical information related to Pilatus Service Bulletin No. 55-003, dated July 7, 1999, should be directed to Pilatus Aircraft Ltd., Customer Liaison Manager, CH-6371 Stans, Switzerland; telephone: +41 41 619 65 09; facsimile: +41 41 610 33 51. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in Swiss Airworthiness Directive HB 99-412, Effective Date: August 31, 1999.

(f) This amendment supersedes AD 98-08-07, Amendment 39-10456.

Issued in Kansas City, Missouri, on September 20, 1999.

Michael Gallagher,
Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-25222 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-13-U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97-CE-99-AD]

RIN 2120-AA64

Airworthiness Directives; Short Brothers and Harland Ltd. Models SC-7 Series 2 and SC-7 Series 3 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to all Short Brothers and Harland Ltd. (Shorts) Models SC-7 Series 2 and SC-7 Series 3 airplanes. The proposed AD would require repetitively inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. The proposed AD is the result of

mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for the United Kingdom. The actions specified by the proposed AD are intended to detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames, which could result in structural damage to the wing spar/fuselage fitting with possible loss of control of the airplane.

DATES: Comments must be received on or before November 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-99-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Roger Chudy, Aerospace Engineer, FAA, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426-6932; facsimile: (816) 426-2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of

the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 97-CE-99-AD." The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97-CE-99-AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Civil Airworthiness Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all Shorts Models SC-7 Series 2 and SC-7 Series 3 airplanes. The CAA reports migration in the wing attachment bushes in the fuselage front and rear spar frames.

If the migration is not detected and corrected in a timely manner, then gaps will occur in these areas. Once a gap exists that is of a certain length, structural damage to the wing spar/fuselage fitting could occur. This could eventually result in loss of control of the airplane.

Relevant Service Information

Short Brothers & Harland Ltd. issued Shorts Service Bulletin 53-68, which specifies procedures for inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. Shorts Service Bulletin No. 53-68 incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No: 1	May 30, 1996.
3	Revision No: 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No: 3	May 1999.

The CAA classified this service bulletin as mandatory and issued British

Airworthiness Directive 009-01-96, not dated, in order to assure the continued

airworthiness of these airplanes in the United Kingdom.

The FAA's Determination

This airplane model is manufactured in the United Kingdom and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the CAA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the CAA; reviewed all available information, including the service information referenced above; and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since an unsafe condition has been identified that is likely to exist or develop in other Shorts Models SC-7 Series 2 and SC-7 Series 3 airplanes of the same type design registered in the United States, the FAA is proposing AD action. The proposed AD would require repetitively inspecting the wing attachment bushes in the fuselage front and rear spar frames for migration (gaps), and replacing the bushes if a gap exists that is of a certain length or more. Accomplishment of the proposed action would be required in accordance with Shorts Service Bulletin 53-68.

Cost Impact

The FAA estimates that 22 airplanes in the U.S. registry would be affected by the proposed initial inspection, that it would take approximately 10 workhours per airplane to accomplish the proposed inspection, and that the average labor rate is approximately \$60 an hour. Based on these figures, the total cost impact of the proposed initial inspection on U.S. operators is estimated to be \$13,200, or \$600 per airplane.

These figures only take into account the cost of the initial inspections and do not account for the cost of repetitive inspections or the cost necessary to replace any bushings when gaps that exceed a certain length are found. The FAA has no way of determining the number of repetitive inspections or replacements each owner/operator will incur over the life of the affected airplanes.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation

Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Short Brothers and Harland Ltd.: Docket No. 97-CE-99-AD.

Applicability: Models SC-7 Series 2 and SC-7 Series 3 airplanes, all serial numbers, certificated in any category.

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

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To detect and correct migration of the wing attachment bushes in the fuselage front and rear spar frames, which could result in structural damage to the wing, accomplish the following:

(a) Within the next 100 hours time-in-service (TIS) after the effective date of this AD, and thereafter as indicated in the paragraphs below (depending on the inspection results), inspect the wing attachment bushes in the fuselage front and rear spar frames for migration. Accomplish this inspection in accordance with Shorts Service Bulletin No. 53-68, which incorporates the following pages:

Pages	Revision level	Date
6, 7, 8, 9, 10, 13, 14, 17, 18, 19, 20, 21, 22, 23, 24, and 25	Original Issue	January 10, 1996.
12	Revision No: 1	May 30, 1996.
3	Revision No: 2	September 1998.
1, 2, 4, 5, 11, 15, and 16	Revision No: 3	May 1999.

(b) If no gaps are found at the bush areas during any inspection required by this AD, repeat the inspection specified in paragraph (a) of this AD at intervals not to exceed 500 hours.

(c) If any gap is found at the bush area that is less than 0.125 inches in length during any inspection required by this AD, repeat the

inspection specified in paragraph (a) of this AD at intervals not to exceed 100 hours TIS provided the gaps do not increase to 0.125 inches or more in length. If the gap has not increased during 3 additional inspections and continue to not increase, then the inspection intervals may be increased to 500 hours TIS.

(d) If any gap is found at the bush areas that is 0.125 inches or more in length during any inspection required by this AD, prior to further flight, replace the bushes with parts specified in and in accordance with Shorts Service Bulletin 53-68. Inspect the replacement bushes at intervals not to exceed

500 hours TIS (in accordance with paragraph (a) of this AD).

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

(f) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

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

(g) Questions or technical information related to Shorts Service Bulletin 53-68 should be directed to Short Brothers plc, P.O. Box 241, Airport Road, Belfast BT3 9DZ, Northern Ireland. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in British Airworthiness Directive 009-01-96, not dated.

Issued in Kansas City, Missouri, on September 21, 1999.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99-25221 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-13-U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CT-053-7212b; A-1-FRL-6443-2]

Approval and Promulgation of Air Quality Implementation Plans; Connecticut; Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Connecticut. The revisions consists of adding a regulation, section 22a-174-22a, "The Nitrogen Oxides (NO_x) Budget Program" and four NO_x RACT trading orders to the CT SIP. The regulation is part of a regional nitrogen oxides (NO_x) emissions cap and allowance trading program designed to reduce stationary source NO_x emissions during the ozone season in the Ozone Transport Region (OTR) of the northeastern United States. The trading orders allow three NO_x emitting facilities to meet reasonably available control technology (RACT) requirements using NO_x emission credits and one facility to generate NO_x emission credits. These SIP revisions were submitted pursuant to section 110 of the Clean Air Act (CAA).

In the Final Rules section of this **Federal Register**, EPA is approving the State's SIP submittals as a direct final rule without prior proposal because the Agency views them as noncontroversial revisions and anticipates no adverse comments. A detailed rationale for the approval is set forth in the direct final

rule. If no adverse comments are received in response to this action, no further activity is contemplated in relation to this proposed rule. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting on this action should do so at this time.

DATES: Written comments must be received on or before October 29, 1999.

ADDRESSES: Comments may be mailed to Susan Studlien, Deputy Director, Office of Ecosystem Protection (mail code CAA), U.S. Environmental Protection Agency, Region I, One Congress Street, Suite 1100, Boston, MA 02114-2023. Copies of the State submittals and EPA's technical support documents are available for public inspection during normal business hours, by appointment at the Office of Ecosystem Protection, U.S. Environmental Protection Agency, Region I, One Congress Street, 11th floor, Boston, MA, and the Bureau of Air Management, Department of Environmental Protection, State Office Building, 79 Elm Street, Hartford, CT 06106-1630.

FOR FURTHER INFORMATION CONTACT: Steven Rapp, (617) 918-1048 or at Rapp.Steve@EPAMAIL.EPA.GOV.

SUPPLEMENTARY INFORMATION: For additional information, see the direct final rule which is located in the Rules section of this **Federal Register**.

Dated: September 15, 1999.

John P. DeVillars,

Regional Administrator, Region I.

[FR Doc. 99-25045 Filed 9-27-99; 8:45 am]

BILLING CODE 6560-50-P

Notices

Federal Register

Vol. 64, No. 187

Tuesday, September 28, 1999

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 Marketing Service

[FV-99-328]

United States Standards for Grades of Frozen Okra

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: The Agricultural Marketing Service (AMS) of the Department of Agriculture (USDA) is soliciting comments on its proposal to change the United States Standards for Grades of Frozen Okra. Specifically, USDA is proposing to provide for the "individual attributes" procedure for product grading with sample sizes, acceptable quality levels (AQL's), tolerances and acceptance numbers (number of allowable defects); replace dual grade nomenclature with single letter grade designations; and make minor editorial changes. These changes have been requested by the industry in order to improve use of the standards.

DATES: Comments must be received on or before November 29, 1999.

ADDRESSES: Written comments may be submitted to Harold A. Machias, Processed Products Branch, Fruit and Vegetable Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 0709, South Building, STOP 0247, P.O. Box 96456, Washington, DC 20090-4693; faxed to (202) 690-1087; or e-mailed to Harold.Machias@usda.gov.

Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Branch Chief during regular business hours (8:00 a.m. to 4:30 p.m.) and on the Internet.

The current U.S. Standards for Grades of Frozen Okra, along with the proposed changes, are available either through the

above address or by accessing the AMS website on the Internet at www.ams.usda.gov/standards. The United States Standards for Grades do not appear in the Code of Federal Regulations.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias at (202) 720-5021 or www.Harold.Machias@usda.gov.

SUPPLEMENTARY INFORMATION: Section 203(c) of the Agricultural Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agriculture "to develop and improve standards of quality, condition, quantity, grade and packaging and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices * * *." AMS is committed to carrying out this authority in a manner that facilitates the marketing of agricultural commodities and makes copies of official standards available upon request.

AMS is proposing to change the United States Standards for Grades of Frozen Okra using the procedures that appear in Part 36 of Title 7 of the Code of Federal Regulations (7 CFR Part 36). The grade standards were last revised in September 1996.

AMS received a petition from the American Frozen Food Institute to change the U.S. grade standards for frozen okra to a new grading system. The current standards are based on cumulative scorepoints. It is proposed that the standards be modified to convert them to a statistically-based individual attribute grading system, similar to the U.S. grade standards for canned green and wax beans (58 FR 4295; January 14, 1993). This change would bring the standards in line with current marketing practices and innovations in processing techniques.

This change would replace dual grade nomenclature with single letter designations. "U.S. Grade A" (or "U.S. Fancy") and "U.S. Grade B (or "U.S. Extra Standard") would become "U.S. Grade A," and "U.S. Grade B," respectively. This revision also includes minor editorial changes. These changes provide a uniform format consistent with recent revisions of other U.S. grade standards. This format has been designed to provide industry personnel and agricultural commodity graders with simpler and more comprehensive standards. Definitions of terms and easy-to-read tables have been

incorporated to assure a better understanding and uniform application of the standards.

AMS is publishing this notice with a 60-day comment period which will provide a sufficient amount of time for interested persons to comment on the changes.

Authority: 7 U.S.C. 1621-1627.

Dated: September 21, 1999.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 99-25095 Filed 9-27-99; 8:45 am]

BILLING CODE 3410-02-P

DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Grand Mesa, Uncompahgre, Gunnison National Forests, CO

AGENCY: USDA Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement (EIS) in conjunction with revision of the land and resource management plan for the Grand Mesa, Uncompahgre, Gunnison National Forests (GMUG) located in Delta, Montrose, Gunnison, Mesa, San Miguel, Ouray, Hinsdale, Saguache, Garfield, and San Juan counties, Colorado.

SUMMARY: The Forest Service will prepare an environmental impact statement in conjunction with the revision of its Land and Resource Management Plan (hereafter referred to as Forest Plan or Plan) for the Grand Mesa, Uncompahgre, Gunnison National Forests (GMUG).

This notice describes the specific portions of the current Forest Plan to be revised, environmental issues considered in the revision, estimated dates for filing the environmental impact statement, information concerning public 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 January 31, 2000. The agency expects to file a draft environmental impact statement with the Environmental Protection Agency (EPA) and make it available for public

comment in the fall of 2001. The agency expects to file a final environmental impact statement in the fall of 2002.

ADDRESSES: Send written comments to: Carmine Lockwood, Planning Team Leader, GMUG National Forests, 2250 Highway 50, Delta, CO 81416.

FOR FURTHER INFORMATION CONTACT: Carmine Lockwood, Planning Team Leader, at (970) 874-6677, or Carol Howe, Assistant Planner, at (970) 874-6647.

Responsible Official: Lyle Laverty, 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 the revision effort described above. According to 36 CFR 219.10(g), land and resource management plans are ordinarily revised on a 10 to 15 year cycle. The existing Forest Plan was approved on September 29, 1983. Significant amendments were completed in 1991 to address land suitability for timber production, and in 1993 to address land availability for oil and gas leasing.

The Regional Forester gives notice that the Forest is beginning 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 Forest Plan revision process 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. Forest Service officials will lead these discussions, helping to describe issues and the preliminary alternatives. These officials will also explain the environmental analysis process and the disclosures of that analysis, which will be available for public review. Written comments identifying issues for analysis and the range of alternatives will be encouraged. Issue identification (scoping)

meetings will be scheduled for fall 1999. Alternative development meetings will be held in fall 2000. Public notice of dates, times, and locations for specific meetings will be provided in local newspapers and posted on the Forest's web site: <http://www.fs.fed.us/r2/gmug>. Additionally, we will send notices and newsletters to those on the forest plan revision mailing list. Requests to be placed on this mailing list should be

sent to the comment address stated above.

The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive orders, and court decisions. As part of the overall effort to uphold the federal trust responsibility to tribal sovereign nations to the extent applicable to National Forest System lands, the Forest Service will establish regular and meaningful consultation and collaboration with the tribal nations on a government-to-government basis. The Forest Service will work with governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities.

Forest plans describe the intended management of National Forests. Agency decisions in these plans do the following:

- Establish management areas and management area direction (management area prescriptions) applying to future activities in that management area (resource integration and minimum specific management requirements) 36 CFR 219.11(c);
- Determine suitability and potential capability of lands for resource production. This includes designation of suitable timber land and establishment of allowable timber sale quantity (36 CFR 219.14 through 219.26);
- Where applicable, recommend designations of special areas such as Wilderness and Wild and Scenic Rivers to Congress.

The authorization of project-level activities on the Forest occurs through project decision-making, the second stage of forest land management planning. Project-level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

In addition to the programmatic decisions described above, the Forest is considering:

- Making site-specific decisions on travel management through identification of specific restrictions for individual roads and trails on the Gunnison Forest, and
- Identifying and analyzing instream flow requirements for site-specific decision.

Any site-specific decisions made in conjunction with the Forest Plan revision EIS would have a separate

decision document and the responsible official would be the Forest Supervisor.

Need for Changes in the Current Forest Plan

It's been approximately sixteen years since the current Forest Plan was approved. Experience and monitoring have shown the need for changes in management direction for some resources or programs. Several sources have highlighted needed changes in the current Forest Plan.

These sources include:

- Public involvement which has identified new information and public values;
- Monitoring and scientific research which have identified new information and knowledge gained;
- Forest plan implementation which has identified management concerns to find better ways for accomplishing desired conditions; and
- Changes in law, regulations, and policies.

In addition to changing public views about how these lands should be managed, a significant change in the information and scientific understanding of these ecosystems has occurred. Some new information is a product of research, while other information has resulted from changes in technology.

Major Revision Topics

Based on the information described above, Plan revision is warranted in light of the combined effects of these multiple needs for change. The preliminary revision topics that have been identified to date are described below.

1. Terrestrial Ecosystem Sustainability and Restoration

Planning Questions

- How will the forest be managed to restore or maintain healthy ecosystems?
- Should the forest be managed within historical range of variability for such things as fire size and frequency, size and distribution of openings, and mix of plant and animal species?
- Are some species or vegetation communities such as aspen and cottonwood declining?
- What are appropriate ways to improve forest health in addition to harvest and pre-commercial cutting?
- How much of the forest should be maintained in old-growth conditions and how should it be distributed in time and space?
- Are large ecological preserves needed to provide adequate habitat for some species? If so, how large, and

which conditions should be represented? What type of human activity, if any, should be allowed in such areas?

- What management direction is needed to ensure viable populations of threatened, endangered, sensitive and other focal species? How do various resource management regimes and human activities affect these species?
- What role should non-native species play in terrestrial ecosystems? What should be done about increasing populations of noxious weeds?
- What management direction is needed to identify, protect, and make available the traditional forest plant and animal products that American Indians enjoy through exercising their treaty rights, or other rights? How do various activities occurring on, or excluded from, National Forest System lands affect the availability of traditional forest products?

Background

A tremendous amount of new information and research results regarding managing terrestrial ecosystems for ecological sustainability has been issued since the Forest Plan was completed in 1983. The current Plan only partially addresses this subject in piecemeal fashion.

Several analysis concepts relating to ecological sustainability have been developed since the 1983 plan, such as: establishing the range of natural variability, comparing management to natural disturbance processes, maintaining biological diversity through coarse-filter and fine-filter assessments, delineating reference landscapes, and broadening focus from vertebrates to all native species. Traditional approaches also remain valid, such as conserving habitat for indicator or focal species, and recovering threatened, endangered, or sensitive species. The Forest will be analyzed using these techniques and the Plan revised to reflect the knowledge gained.

New Management Area (MA) Prescriptions have been developed since the 1983 Plan was approved. There is a need to develop new goals, make existing goals and objectives more specific, and to evaluate the present set of Management Areas, boundaries and prescriptions. Several existing Plan standards lack the sophistication required to account for key elements of ecological integrity, and variations in temporal and spatial scales. An improved monitoring strategy is needed to measure indicators of ecological integrity and sustainability at multiple scales. There is an opportunity to design

monitoring so that it provides a better foundation for adaptive management.

Particular aspects of this topic identified by past and current monitoring include: forest and rangeland health, insects and disease, fragmentation and connectivity of habitats, potential need for additional reserve areas, successional stage abundance and distribution, late successional forest structure, prescribed and natural fire/fuels management, forest cover and plant community conversions, soil productivity, control of noxious weeds and other undesirable species, riparian area health and management, and species-to-habitat relationships. The Plan will revise direction for threatened, endangered, sensitive, focal, and demand species (an expansion of the current management indicator species (MIS) approach).

Proposed Actions

Based on monitoring results, preliminary analyses, and public input, the following actions will be proposed in one or more EIS alternative:

- Define the desired conditions for terrestrial ecosystem sustainability for appropriate temporal and spatial scales.
- Base management practices on understanding and consideration of natural disturbance processes, including the intensity, frequency, and magnitude of those disturbance regimes.
- Increase use of prescribed fire both within and outside of Wilderness through natural and human ignitions.
- Utilize new methods and treat more acres with active vegetation management practices to improve forest health.
- Apply vegetation treatment areas and patch sizes which better reflect natural disturbance patterns.
- Exclude or modify existing human uses to better protect species at risk and to maintain or restore biological diversity.
- Aggressively treat noxious weed populations through various means, including mechanical, biological and chemical control.
- Develop a monitoring strategy that will measure appropriate indicators of ecosystem integrity and ecological sustainability at multiple scales, and will serve to facilitate adaptive management.

2. Aquatic Ecosystem Sustainability and Restoration

Planning Questions

- How do various activities occurring on the forest affect water quality and quantity, soil resources, and riparian areas?

- Where should limited watershed restoration funds be spent to provide the greatest return on investment in terms of enhancement or protection of aquatic ecosystem values?

- How can revised Forest Plan management direction further the implementation of the national "Clean Water Action Plan and Policy" and "Framework for Developing and Implementing Total Maximum Daily Loads (TMDL) in Forest and Rangeland Environments"?

- What are the effects of water diversions on various stream ecosystems? What are the effects of various water storage facilities (reservoirs, ponds, and tanks) on aquatic ecosystems?

- In which drainages should the Forest Plan establish bypass or minimum instream flows as conditions for issuance or renewal of special use permits?

- On which streams or stream reaches should the Forest Service pursue settlement of claims for water rights in state court adjudications in order to protect aquatic ecosystem integrity?

- In which stream or lake systems is improved programmatic direction needed to ensure the viability of aquatic species or to restore dwindling populations? Which measures should be included?

Background

Watersheds have become the basic unit (at multiple scales) for assessing ecological conditions, restoration needs, and the sustainability of management prescriptions. Analysis is needed to ascertain the appropriate management framework for achieving maintenance and restoration of watershed integrity. The existing Plan does not adequately describe management parameters required to ensure that the characteristic diversity of biological and physical components and processes are managed to provide watershed conditions within their approximate range of natural variability. In keeping with changes in Forest Service management philosophy based on the Clean Water Action Plan commitments, recommendations from the Committee of Scientists, and mandates from the Clean Water and Safe Drinking Water acts, watershed health and restoration will be a fundamental priority in the Plan revision. There is currently a strong body of law, regulation, and policy to ensure water quality protection (re: agency "Watershed Conservation Practices Handbook," FSH 2509.25, March 1999). This direction provides very little discretion as to planning and implementation of protection measures.

However, there is a zone of discretion with regard to the level and intensity of aquatic ecosystem restoration measures that should be pursued, based on anticipated benefits from investment, other resource trade-offs, and projected funding levels. These questions warrant examination as a primary revision topic.

Proposed Actions

The revised Plan will prescribe specifications and constraints (standards and guidelines) for management practices to:

- Maintain and restore watershed function and provision of beneficial uses.
- Protect and recover native aquatic and riparian dependent species and prevent the introduction and spread of non-native, invasive species.
- Restore aquatic resources, including but not limited to streams, streambanks, shorelines, lakes, source waters, wetlands, riparian areas, and floodplains.

The Plan also proposes to:

- Identify current and foreseeable future Forest Service consumptive and non-consumptive water uses and rights needed to maintain or restore watershed integrity, including instream flow needs.
- Locate and designate reference watersheds and stream reaches.
- Prioritize specific watersheds for restoration by applying factors such as: past disturbance history; water quality impairment and riparian condition; inherent instability, disturbance sensitivity, and restoration capabilities; diversity of native plants, fish, and animals; special designations such as Wild and Scenic Rivers; recovery of threatened, endangered, or other sensitive species; ability to leverage restoration funds through partnerships; and, the opportunity to work with interested and willing federal, state and tribal governments, communities, adjacent land managers, and owners.

3. Roadless Areas and Unroaded Areas

Planning Questions

- Where are the roadless areas on the Forest, what are their characteristics, and which qualify for Wilderness recommendation?
- How can Congressionally designated Wilderness be managed to accomplish the principles of the Wilderness Act as related to human uses and natural processes?
- How should roadless areas not recommended for Wilderness be managed?

Background

Inventoried roadless areas (RARE II and Forest Plan inventoried areas) and other unroaded areas continue to be areas of high controversy and debate as to their appropriate and best use. Although the Colorado Wilderness Acts of 1980 and 1993 (Pub. L. 96-560 and Pub. L. 103-77) released undesignated roadless lands for other management, these Acts and federal regulation (36 CFR 219.17) require that these areas be re-evaluated for Wilderness designation during Forest Plan revision. Some "inventoried roadless areas" have always included roads. Many more roads have been developed through management practices and by users in the intervening decades. Actual Wilderness designation is a Congressional responsibility; Forests can only make recommendations. One current member of the Colorado Congressional delegation has drafted Wilderness legislation that would increase Wilderness on the GMUG. Ecological sustainability goals will likely lead to focused consideration of Wilderness additions in locations on the margins of existing Wilderness, or in lower elevations where Wilderness is less well represented.

The revision process will include a new inventory of roadless and unroaded areas, replacing the RARE II and previous Plan inventories as the basis for future analysis of "roadlessness." A roadless area inventory will be developed and areas capable of being designated for Wilderness will be identified. Areas not recommended for Wilderness will be studied for possible allocation to other management prescriptions. The issue has become more complex over time and now includes the need to assess values beyond potential Wilderness, such as: source drinking water areas, reference areas for research, areas of high or unique biodiversity, areas where other unfragmented landscapes are scarce, areas of cultural or historic importance, or areas that provide unique or important seasonal habitat for wildlife, fish, and plant species.

The inventory will be conducted according to most recent guidance defining unroaded areas. Current policy—which is in draft form—defines unroaded areas as any areas that do not contain classified roads (a road at least 50 inches wide and constructed or maintained for vehicle use, Interim Rule, 36 CFR 212, 2/11/99). Assessment methods will have to be developed to ascertain whether unroaded areas have sufficient size in a manageable configuration to protect the inherent

values associated with the unroaded condition.

Proposed Actions

The following actions will be proposed in one or more EIS alternative:

- Identify and recommend for Wilderness designation those roadless areas which meet basic requirements for Wilderness and would further the goals of the Wilderness Act (16 U.S.C. 1131 (note)).
- For those roadless and unroaded areas not recommended for Wilderness designation, provide management prescriptions that allow for various levels of development.

4. Travel Management

Planning Questions

- What travel and transportation opportunities should the Forest provide to meet current and expected demands?
 - Where and what type of travel restrictions are needed to sustain aquatic and terrestrial ecosystem integrity during all seasons of use?
 - How can the Forest Service provide a wide range of recreational opportunities to people who are physically restricted from traveling by other than motorized means?
 - What type of transportation system, in terms of amount of and standards for roads and trails, can the Forest manage and maintain to an adequate level, particularly considering declining budgets and greatly reduced road maintenance through timber sale contracts?
 - Which existing roads and trails should be closed (permanently or seasonally) and/or decommissioned?
 - How will travel management policies affect property inholders and landowners adjacent to the Forest boundary?
 - How do the GMUG's travel management policies fit with those of adjacent national forests and other land management agencies, particularly where routes cross jurisdictions?

Background

Issues and management concerns related to travel management have increased significantly since completion of the Plan and its amendments. Use numbers for traditional recreation travel, such as driving for pleasure, hiking, horseback riding, and motorbiking have grown steadily. Other modes, such as all-terrain vehicles, snowmobiles, and mountain bikes have dramatically increased over the last decade. Resource impacts and social conflicts have increased proportionally with these uses. All user groups want to

main or increase opportunities for their preferred uses. Plan monitoring reports have acknowledged existing impacts and the potential for increased adverse effects on soil, water, wildlife and heritage resources from increased use, development of unauthorized routes, and lack of maintenance on existing roads and trails. Semi-primitive areas are becoming more developed as use increases and new routes appear.

Current agency policy ("Natural Resource Agenda", Dombeck, 02/03/99) directs forests to aggressively decommission old unneeded, unauthorized, and other roads that contribute to environmental degradation. An economically efficient and environmentally sound transportation network is essential for active forest management and the flow of goods and services.

The GMUG has invested a great deal into travel management planning for the Grand Mesa and Uncompahgre Forests. For the Gunnison Forest area, we will use Plan revision to conduct comparable analysis and make consistent decisions. Additional designation and/or separation of motorized and non-motorized uses will be needed to reduce conflicts. Site-specific travel management decisions for individual routes will be included in the revision process; any ground-disturbing closure or decommissioning actions will receive project-level analysis. The Forest will consider and apply those portions of the pending "Road Analysis Process" which are specified for forest-level planning, when the policy becomes final.

Proposed Actions

The following actions will be proposed in one or more EIS alternative:

- Identify a road and trail transportation network that provides an environmentally sound and socially responsive travel management system which is consistent across the entire Forest, and well coordinated with adjacent forests.
- Eliminate cross-country motorized travel ("green" areas) on those portions of the Forest not previously addressed in recent travel management plans. Specify travel routes by appropriate modes and season of use.
- Designate permanent or seasonal travel restrictions and those routes that will be decommissioned. Identify new road and trail alignments that are needed to enhance travel opportunities or protect resource values.
- Specify whether motorized use is allowed in each land area (MA) allocation and prescription; provide new goals, standards, and guidelines.

5. Recreation and Scenery Resources

Planning Questions

- What range, mix, and emphasis of recreation opportunities will best meet the demands of a wide variety of current and future users; while ensuring protection of scenic, biotic and physical resources.
- How much recreation use can be sustained from both the ecological integrity and visitor enjoyment perspectives? Do limits need to be placed on certain areas or types of use during various seasons?
- Should potentially conflicting uses, such as mountain biking and horseback riding occur in the same areas or be segregated?
- How should surface water uses, including types and levels of use on lakes and streams be regulated to maintain quality of the recreation experiences and protect natural resources?
- How should major recreation corridors and scenic byways be managed? What type of opportunities should be provided in these areas?
- What are appropriate development levels for campgrounds, picnic areas, trailheads, etc.? How many facilities can be adequately maintained under projected budget levels?
- How do national forest and private sector facilities and services best fit with each other?
- How should the Plan revision be used to address allocation of special uses, capacity and development levels? What program parameters, such as service day allocations, permit numbers, activities permitted, location and types of developments, should be established?
- Where and how should scenic quality be maintained or enhanced along major travel routes?
- How does scenic quality change over time? What are the implications of ecosystem dynamics and how should management intervene prior to or after changes? How much weight should be given to short-term versus long-term impacts and benefits?
- What is the relationship between scenic quality and air quality? What role should prescribed fire play?

Background

Recreation is a dominant use of the GMUG. Recreationists generate major economic benefits to local counties and communities, and a high percentage of recreation opportunities on the Forest are provided or enhanced by private enterprise. Public perceptions of national forest management are primarily based on personal experiences and visual impressions. Forest visitors

vary widely in their recreational interests. A range of recreation settings from pristine to highly developed is desired. This results in pressures for different land allocations. Generally expressed public sentiment, attitudes and values indicate strong desire for protection of natural scenic beauty. The current Plan discusses both Recreation Opportunity Spectrum (ROS) categories and Visual Quality Objectives (VQOs), but does little to establish management direction for either recreation or scenic resources. The existing Plan included an inventory, but very little in the way of firm direction on ROS allocations; it basically set ranges of ROS and VQO classes for most Management Areas. These allocations were based more on compatibility with other management area direction than on the characteristics of particular land areas. ROS objectives and consequences were poorly displayed. This topic area is strongly tied to travel management, as well as timber and other vegetation management activities.

The VQO framework has been replaced by the scenery management system. The ROS and scenery management frameworks can be used both to inventory existing conditions and to make decisions on management objectives. We will reassess management and public use needs related to these concepts. The ROS system will be used to describe desired recreation settings, conditions, compatible user groups, and appropriate levels of use for specific areas of the Forest. Project decision-making will have improved efficiency and support (e.g., in travel management) when the revised Plan clearly establishes the conditions we are trying to achieve in terms of recreation opportunities. Improved direction, including distinct descriptions for both winter and summer conditions, will substantially enhance recreation management and user experiences. These displays will also help more clearly define the conflicts and trade-offs between motorized and non-motorized recreational

Proposed Actions

- The Forest will be zoned into various classifications of "recreation opportunity spectrum" for summer and winter uses. There are seven broad classifications which range from primitive through urban, and they will be associated with a variety of resource management standards and guidelines in nearly all program areas.
- The Forest will be zoned into various classifications of "scenic integrity levels," ranging from very low

to very high. These classifications will be associated with a variety of management implications in nearly all program levels.

- The revised Plan will provide updated programmatic direction for recreation facility developments, maintenance, special use permitting parameters, and private sector service objectives.

6. Timber Suitability and Forest Management for Commercial Products

Planning Questions

- Which portions of the Forest are suitable for timber harvest?
- What volume of timber and mix of products should the Forest provide? What harvest level is sustainable while ensuring ecological integrity?
- How important to local communities and economies are the wood products which the Forest provides?
- What is the financial efficiency of the Forest's timber sales program?
- Which logging systems should be applied to better enable forest vegetation treatments over a wider variety of terrain, and during more stages of stand development?
- How should recommended and allowable timber harvest prescriptions be adjusted, both in terms of type and spatial application limits, to account for new information relative to historic range of variation and natural disturbance regimes?
- Should logging occur in unroaded areas?
- Are new roads needed for harvesting? If so, to what standards should they be built? Should roads be maintained or obliterated after logging use? Should logging roads be open or closed to the general public?
- What are the appropriate specifications and constraints (standards and guidelines) for logging? What kinds of restoration practices should occur after logging and road building?

Background

Timber management continues to be one of the most controversial agency activities, as well as one of the most important for some local communities. The debate surrounding timber harvesting is generally waged in terms of related issues, such as biodiversity, community sustainability, and roadless areas. However, this topic remains significant in its own terms because of statutory mandates (e.g., the 1897 Organic Act (16 U.S.C. 473), and the National Forest Management Act of 1976 (16 U.S.C. 1600(note))), emphasis

in current research and public dialogue (e.g., "Committee of Scientists Reports", 3/16/99; proposed legislation to ban logging on NFS lands, H.R. 2789), and the intensity of public emotion. The determination of lands suited and not suited for timber production and ASQ is required by NFMA (sec. 6(g)(2)(A)) and its implementing regulations (36 CFR 219.14).

The 1991 significant amendment to the Forest Plan addressed most of the "timber" elements of the vegetation management debate. Timber demand was re-evaluated, and the suitable timber base and allowable sale quantity (ASQ) were recomputed using FORPLAN. Below-cost sales and the economic suitability of timber were key topics addressed in the amendment. Much of this analysis remains current, though stumpage prices, among other elements, have changed significantly. The Forest has completed new inventories since the 1991 timber amendment was adopted which will be useful in determining timber suitability. Plan implementation and monitoring have shown that portions of the suited base may have been inappropriately classified based on current standards. Updating the 1991 analysis is needed to account for new ecological and economic criteria, and other social aspects of the timber program.

The amended Plan for the GMUG identified 544,730 acres that are suitable for timber production and set an ASQ that averages 38.7 million board feet (MMBF) of wood products per year for the decade beginning in 1992. Programmed sale quantity, the amount expected to be offered for sale, is equal to the ASQ. In addition, the Forest estimated sales of 7 MMBF per year of non-chargeable products, mostly personal-use firewood. Actual volume sold has fallen well short of the projected levels. There are several reasons for this, the greatest of which is insufficient budget and skyrocketing timber project planning costs and time frames.

Traditional objectives for timber management have been supplanted with broader objectives for vegetation and fuels management to achieve integrated ecological goals. Plan revision must describe multiple land classifications for timber removal, including: lands not suitable for timber production, lands where timber harvest is permitted to accomplish other resource objectives, and lands where timber production is an objective.

Proposed timber sales in currently unroaded areas have generated much controversy. This revision topic overlaps with the Roadless Area and

Unroaded Area allocation and management. Harvesting aspen, harvesting mature / late-successional stands or large trees, regeneration harvest methods, patch size, logging systems, and cost efficiency of timber sales, are elements of this topic.

Proposed Actions

- The Forest land base will be classified into various categories of suitability for timber production within each Plan alternative, including lands: tentatively suited for timber production; not appropriate for timber production because they're occupied by administrative sites; not appropriate for timber production due to minimum management requirements that limit activities; not appropriate for timber production because of other multiple-use objectives; not cost efficient for timber production over the planning horizon; and, net suited lands appropriate for timber production.
 - Allowable sale quantity and long-term sustained yield capacity will be identified for each Plan alternative.
 - Programmatic direction (standards and guidelines) will be revised for harvest prescriptions and logging systems and road management.

Secondary Revision Topics

Preliminary topics discussed in this section are also important issues to be addressed in the Plan revision. However, they are likely not substantial or widespread enough to be major drivers in the EIS alternative themes or forest-wide management area prescriptions and standards.

1. Special Areas

Planning Questions

- Which area on the Forest qualify for Research Natural Area designation?
 - Which rivers, or river segments, on the Forest are potentially eligible for addition to the Wild and Scenic Rivers System?
 - Which portions of the Forest qualify for other special area designations?
 - Should landscapes containing cultural or historic resource properties that are potentially eligible for, or already listed on, the National Register of Historic Places receive special land management prescriptions?
 - What is the appropriate balance between providing for historic site preservation, or conservation, and recreational enjoyment, and allowing other activities that can affect the use of the cultural or historic site and its setting? What are the appropriate specifications and constraints (standards and guidelines) for activities

affecting cultural properties and their setting?

- What kinds of cooperation are needed between the Forest Service, the tribes, other agencies, and private individuals to protect these areas?

Background

The planning area includes several unique or outstanding areas and resources of outstanding physical, biological, or social interest. Collectively these are known as "special areas." Potential formal designations of special areas may include Wilderness (which was also discussed under Primary Topic 3, above); Wild and Scenic Rivers; Research Natural Areas; and special recreational areas with scenic, historical, geological, botanical, zoological, paleontological, archaeological, or other special characteristics. These special areas will influence land allocation and management in the revision. In some cases the Plan will make the designation as a special area, and in most cases it will simply make recommendations to another authority (e.g., U.S. Congress). Some areas received special designation after the last Plan was approved, such as, Tabeguache Area, Roubideau Area, Fossil Ridge Recreation Management Area and Wilderness, Powderhorn Wilderness, and other Wilderness additions, and have never been incorporated into the Plan or been given programmatic direction other than for travel management.

Ten areas have been inventoried to determine their potential for establishment as Research Natural Areas. The Plan revision will address establishment of RNA's including an assessment of the needs for additions to the RNA network.

There are five scenic byways on the Forest and a number of national trails. Proposals are under consideration for additional trails.

There are currently several historic properties on the Forest recognized to National Register of Historic Places. Heritage resources must be protected by law.

The Forest is part of the traditional homeland of the Ute Nation and there is an increased awareness of the sacred sites. Protection of these sites will be part of revision.

The purpose and authority for study of Wild and Scenic Rivers is in the Wild and Scenic Rivers Act of October 1, 1968, as amended. The GMUG includes two rivers (the East River) and Taylor River listed on the National Rivers Inventory. Both rivers were evaluated during development of the original Forest Plan and determined not to be

eligible for the Wild and Scenic River System. Other rivers and streams with potential for designation (e.g., portions of the Gunnison and San Miguel) are located off of National Forest System lands.

2. Coal, Leasable Minerals, and Mining

Planning Questions

- What lands are suitable for oil and gas leasing? What stipulations should be included in leases? What lands should be withdrawn from mineral entry because of conflicts with other National Forest uses?
- What types of activities or practices are suitable? What mitigation measures are needed? What kinds of restoration practices should occur after mining and oil and gas exploration or development?
- How should mineral and energy exploration and development be balanced with other considerations, such as heritage resources, aesthetics, human health, and ecosystem health and sustainability? What are the effects of exploration, development, and associated road construction on other uses of the Forest?
- What are the effects of mining and oil and gas activities beyond the local area?
- What kind of direction is needed for recreational planning or dredging?
- What special considerations are needed in Wilderness?
- What are the economic impacts in the local community of mining and coal, oil, and gas exploration and development?

Background

The 1993 Oil and Gas Leasing EIS established standard, controlled surface use, and no surface occupancy stipulations, in addition to determining the availability of land for leasing. No similar effort has been undertaken for coal or uranium. Leasing decisions continue to be made on a case-by-case basis, when in fact, many of the leasing stipulations for oil and gas (e.g., protection of riparian areas) appear to apply equally well to coal, uranium, and other resource programs. The Forest Service needs to determine what areas are suitable and available for oil, gas, coal, and uranium leasing and what stipulations should be placed on exploration and development. The revised Plan will develop separate stipulations for coal and uranium leases.

Most of the Forest is available for locatable (or "hard rock") mineral exploration and development under the Mining Law of 1872, unless areas are specifically withdrawn. The Plan revision will update programmatic

guidance to minimize adverse environmental impacts on Forest surface resources during mining operations for locatable minerals.

3. Landownership Adjustment

Planning Questions

- Which areas of the Forest need strengthened programmatic direction to guide land ownership pattern adjustments?
- How can goals, objectives, standards, and guidelines for lands adjustment be improved to prioritize agency action, enhance management efficiency, and assist local communities?

Background

Landownership adjustment is generally considered a tool to accomplish resource or socioeconomic objectives, rather than a driving issue in and of itself. However, land exchange activity on the GMUG has far exceeded predictions of the existing Plan. Exchange proposals continue to generate intense controversy, particularly when they involve land within or near resort communities, where land values are high and open space is at a premium. Plan revision offers an opportunity to develop agreements about desired future patterns of land ownership that could be achieved through exchanges or purchases. Access to public land is often a related concern where private land development is happening, or likely will occur, adjacent to the Forest.

What To Do With This Information

This revision effort is being undertaken to develop management direction that will help attain the three basic agency goals of ecological sustainability, social and economic sustainability, and collaborative public involvement.

The Forest's role and responsibilities in promoting social and economic sustainability include: utilizing an effectively structured planning process that helps build public understanding of the interconnectedness of communities, economies and the Forest and its resources; applying continuous, open, and collaborative planning processes which enable well-reasoned community deliberation of sustainable choices; examining opportunities to help local communities meet specific needs; and providing for a wide variety of uses, values, products and services through decision-making and Plan implementation.

Early public participation will identify the topics to be addressed in

Plan revision. The preceding discussion of preliminary revision topics is based upon our assessment of Plan monitoring and evaluation results; public and agency input during project planning and Plan amendment efforts; and socioeconomic, demographic and political changes. We expect this list to change as people engage in the planning process.

Framework for Alternatives To Be Considered

A range of alternatives will be considered when revising the Forest Plan. The alternatives will address different options to resolve concerns raised as the revision topics listed above. A reasonable range of alternatives will be evaluated and reasons given for eliminating some alternatives from detailed study. A "no-action alternative" is required, meaning that management would continue under the existing Plan. Alternatives will provide different ways to address and respond to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined. Resource outputs will be estimated in the Forest Plan based on achieving desired conditions. Preliminary information is available to develop alternatives; however, there will be additional public, agency, and tribal government involvement and collaboration for alternative development.

Consulting and Collaborating With Tribal Governments

The Forest Service will establish regular and meaningful consultation and collaboration with tribal nations on a government-to-government basis. The agency will work with tribal governments to address issues concerning Indian tribal self-government and sovereignty, natural and cultural resources held in trust, Indian tribal treaty and Executive order rights, and any issues that significantly or uniquely affect their communities. Correspondence, meetings, and field trips will be used in this effort.

Involving the Public

An atmosphere of openness is one of the objectives of the public involvement process, in which all members of the public feel free to share information with the Forest Service regularly. All parts of this process will be structured to maintain this openness.

The Forest Service is seeking information, comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies who are interested in or may be affected by the proposed action (36 CFR 219.6). The Forest Service is also looking for collaborative approaches with members of the public who are interested in forest management. Federal and state agencies and some private organizations have been cooperating in the development of assessments of current biological, physical, and economic conditions. This information will be used to prepare the Draft Environmental Impact Statement (DEIS). 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 by mail known interested and affected publics. News releases will be used to give the public general notice, and public scoping opportunities will be offered in numerous locations. Public participation activities will include (but will not be limited to) requests for written comments, open houses, focus groups, field trips, and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Scoping includes (1) Identifying potential issues, (2) from these, identifying significant issues or those that have been covered by prior environmental review, (3) exploring alternatives in addition to No Action, and (4) identifying the potential environmental effects of the proposed action and alternatives.

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 the fall 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 90 days from the date the EPA publishes the notice of availability in the **Federal Register**.

The Forest Service believes, at this early stage, 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 three-month 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 the summer of 2002. 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 for the revised Plan. The decision will be subject to appeal in accordance with 36 CFR 217.

Dated: September 7, 1999.

Lyle Laverty,

*Regional Forester, Rocky Mountain Region,
USDA Forest Service.*

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BILLING CODE 3410-HJ-M

DEPARTMENT OF AGRICULTURE

Forest Service

Amendment of Land and Resource Management Plans in the Southwestern Region

AGENCY: Forest Service, USDA.

ACTION: Revised notice of intent to prepare an environmental impact statement.

SUMMARY: The Southwestern Region of the Forest Service is preparing an environmental impact statement on a proposal to amend National Forest land and resource management plans to incorporate standards and guidelines for management of habitat for American peregrine falcon, Little Colorado River spinedace, loach minnow, spikedace, Apache trout, Chihuahua chub, Gila trout, Gila top minnow, razorback sucker, southwest willow flycatcher, cactus ferruginous pygmy owl, Sonora tiger salamander, New Mexico ridgenose rattlesnake, and Pima pineapple cactus. The amendment would add new standards and guidelines that are intended to strengthen and clarify existing direction for the protection of these species. The amendment would apply to all subsequent project-level resource management decisions that involve site-specific environmental analysis and appropriate public involvement. The Notice of Intent to Prepare an Environmental Impact Statement was published in the **Federal Register** on Monday, June 1, 1998 (63 FR 29692-29695). The Notice announced that a draft environmental impact statement would be available for review in August 1998, and a final environmental impact statement would be available for review in December 1998. The draft environmental impact statement is now expected to be available in December 1999 and a final environmental impact statement should be available by March 2000.

FOR FURTHER INFORMATION CONTACT: Director of Ecosystem Analysis and Planning, 517 Gold Ave. SW, Albuquerque, New Mexico 87102, (505) 842-3251.

Dated: September 21, 1999.

James T. Gladen,

Acting Regional Forester.

[FR Doc. 99-25139 Filed 9-27-99; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Forest Service

Revised Land and Resource Management Plan, Wasatch-Cache National Forest, UT

AGENCY: Forest Service.

ACTION: Notice of intent to prepare an environmental impact statement in conjunction with revision of the Land and Resource Management Plan for the Wasatch-Cache National Forest located in Box Elder, Cache, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Tooele, Wasatch, and Weber counties, Utah; and Uinta County, Wyoming.

SUMMARY: the Department of Agriculture, Forest Service will prepare an Environmental Impact Statement in conjunction with a revision of the Land and Resource Management Plan (hereinafter referred to as Forest Plan) for the Wasatch-Cache National Forest.

This notice describes the needs for change identified to this point in the current Forest Plan to be revised, estimated dates for filing the Environmental Impact Statement, information concerning public participation, and the names and addresses of the agency officials who can provide additional information. The purpose of the notice is to begin the scoping phase of public involvement in the revision process.

DATES: Comments concerning the intent to prepare a revised Forest Plan should be received in writing by November 1, 1999. The agency expects to file a Draft Environmental Impact Statement in June of 2000 and a Final Environmental Impact Statement in the December of 2000.

ADDRESSES: Send written comments to: Bernie Weingardt, Forest Supervisor, Wasatch-Cache National Forest, 8236 Federal Building, 125 South State Street, Salt Lake City, Utah, 84138.

FOR FURTHER INFORMATION CONTACT: Melissa Blackwell, Planning Team Leader, Wasatch-Cache National Forest (801) 524-3907.

Responsible official: Jack Blackwell, Intermountain Regional Forester, at 324 25th Street, Ogden, UT 84401.

SUPPLEMENTARY INFORMATION: Pursuant to part 36 Code of Federal Regulations (CFR) 219.10 (f) and (g), the Regional Forester for the Intermountain Region gives notice of the agency's intent to prepare an Environmental Impact Statement for the revision of the Wasatch-Cache National Forest Land and Resource Management Plan. According to 36 CFR 219.10(g), Land and Resource Management Plans shall

ordinarily be revised on a 10- to 15-year cycle. The existing Forest Plan for the Wasatch-Cache National Forest was approved on September 4, 1985.

The Regional Forester gives notice that the Wasatch-Cache National Forest is beginning an environmental analysis and decision-making process for the proposed programmatic action to revise the Wasatch-Cache Forest Plan. Opportunities will be provided to discuss the Forest Plan revision with the public. The public is invited to help identify issues that will be considered in defining the range of alternatives in the Environmental Impact Statement.

Forest plans describe the long-term direction for managing National Forests. Agency decisions in these plans do the following:

- Establish multiple-use goals and objectives (36 CFR 219.11);
- Establish forest-wide management requirements (standards and guidelines);
- Establish management areas and management area direction through the application of management prescriptions;
- Identify lands not suited for timber production (36 CFR 219.3);
- Establish monitoring and evaluation requirements; and
- Recommend areas for official designation of wilderness.

The authorization of project-level activities on the Forest occurs through project, or site-specific, decision-making. Project level decisions must comply with National Environmental Policy Act (NEPA) procedures and must include a determination that the project is consistent with the Forest Plan.

Need for Change in the Current Forest Plan

The Forest completed a monitoring report in 1992. The results of the monitoring report, in addition to public input and Forest Plan implementation experience, indicated that there is a need for change in some management direction in the Forest Plan. Several sources were used in determining the needed changes in the current Forest Plan. These sources include:

- Comments received from employees who have been implementing the Plan.
- Findings from the Forest Plan monitoring report;
- Comparison of regulatory, manual, and handbook requirements with current Plan direction;
- National direction, policy and initiatives;
- New information from research, and
- Public comments received regarding the findings in the

Preliminary Analysis of the Management Situation.

Preliminary Analysis of the Management Situation

In April, 1999, the Wasatch-Cache National Forest published Preliminary Analysis of the Management Situation (PAMS). The PAMS summarized the current management and resource conditions of the Forest, outlined a new ecosystem management framework for the Forest Plan, and disclosed eight significant "needs for change" forest managers and resource specialists identified. The PAMS was mailed and distributed to nearly 500 interested individuals, non-government organizations, city, county, state and other federal agencies. A series of 11 information forums were held that over 200 people attended. Public comments were encouraged regarding the findings disclosed in the PAMS. The Forest Supervisor has identified two additional "needs for change" that will be included in the revision of the Forest Plan. The "needs for change" topics include:

1. Watershed Health

- Need to set objectives and direction for using a watershed approach to land management planning and watershed restoration.
- Need to develop watershed health goals for management areas.
- Need to set direction for establishing priority watersheds for restoration and for setting individual project priorities within watersheds.
- Need to set direction for protection of forest wetland.

2. Biodiversity and Viability

- Need to use the broader approach as identified in the ecosystem management framework based on research and new best science.
- Need to develop direction for habitat connectivity, links between landscapes, corridors, habitat edge, and horizontal and vertical diversity (structural stages).
- Need to develop forest management direction that address appropriate stocking levels, stand structure, and species composition that incorporates the extent and frequency of all types of disturbances.
- Need for guidance on the use of native plant species (including the collection of seed) in revegetation and/or rehabilitation activities on the forest.
- Need to consider and recognize the frequency, size, intensity and severity of disturbance processes in determining vegetative conditions and how management practices have altered

them. The positive effects of prescribed fire and wildland fire use also needs to be recognized.

- Need for management direction that addresses important soil processes (erosion rates, mass stability, infiltration, nutrient cycling, etc.) as they relate biological diversity.
- Need for snag and coarse woody debris guidance that help maintain ecosystem structure and function. Guidance needs to develop and refine information to ensure an adequate diversity of size and decay class of snags and coarse woody debris.
- Need to develop management direction that describes desired structure and density for each structural stage, from opening to mature and old growth.
- Need to provide integrated management guidance and direction for species and communities in which they occur (the whole instead of pieces). This includes TES, Fish and Wildlife Service candidate species, species (and habitats) at risk, MIS, and other rare and unique plant, fish and animal species.

3. Road/Trail/Access Management

- Need to incorporate goals and direction of the new transportation policy as appropriate.
- Need for the appropriate forest road system to be a primary component of the desired future for a management area.
- Need goals to achieve an integrated transportation system with multiple functions not serving a single resource need.
- Need adaptive standards for road construction rather than a static, outdated list.
- Need to delete road density standards as a stand-alone requirement, rather use them as a component of desired future.
- Need to delete specific travel management guidelines and establish criteria (standards) for making future site-specific travel management decisions.

4. Recreation Niche

- Need to address the trends in population growth and how the Wasatch-Cache can best meet growing demands for outdoor recreation opportunities.
- Need to provide guidance for resource use preference within a management area or prescription area.
- Need to determine the Wasatch-Cache niche as a outdoor recreation provider.
- Need to address management of dispersed recreation in order to sustain healthy eco-systems.

5. Wild and Scenic Rivers

- Need to provide for interim protection of eligible segment values until suitability studies are completed. Suitability will not be addressed in the Forest plan revision.

6. Roadless Areas/Wilderness Recommendations

- Need to make wilderness recommendation for roadless areas thought to be appropriate addition.
- Need to develop management direction to protect roadless values where appropriate.

7. Appropriate Timberlands

- Need to reassess tentatively suited/unsuited lands for timber production.
- Need to incorporate new standards and guidelines added for sensitive species habitat (e.g. northern goshawk).
- Need to address correction of growth and yield errors identified in the 5 year monitoring report.

8. Rangeland Capability and Suitability

- Need to reassess rangeland capability.
- Need to reassess rangeland suitability.

9. Research Natural Areas

- Need to identify potential areas in the Forest that could contribute to diversity within the RNA system in Utah.

10. Oil and Gas Leasing

- Need to make leasing decisions for the portion of the north slope of the Uinta Mountains which was not decided in the 1994 Forest Plan amendment.
- More detailed information on the "need for change" topics is available upon request.

Programmatic Proposed Action

At this early stage in the revision process, the proposed action consists of these elements: (1) Proposed forestwide goals and monitoring; and (2) management prescription maps and highlights of 36 management areas. Details of the proposed action are available upon request. The proposed action is also available on the forest website at www.fs.fed.us/wcnf.

Framework for Alternatives To Be Considered

Through a range of alternatives economic and social community stability will be considered in revising the Forest Plan. The alternatives will address different options to resolve the issues identified in the revision topics listed above. Alternatives must meet the

purpose and need for revision to be considered valid. One of the alternatives to be examined is the "no-action alternative." This is a required alternative that represents continuation of management under the 1985 Forest Plan, as amended. Alternatives are developed in response to public issues, management concerns, and resource opportunities identified during the scoping process. In describing alternatives, desired vegetation and resource conditions will be defined.

Involving the Public

The Forest Service is seeking information and comments from individuals, organizations and federal, state, and local agencies who may be interested in or affected by the proposed action (36 CFR 219.6).

Public participation will be solicited by notifying in person and/or by mail, known interested and affected publics. News releases will be used to give the public general notice, and public involvement opportunities will be offered at various locations. Public participation activities may include written comments, open houses, focus groups and collaborative forums.

Public participation will be sought throughout the revision process and will be especially important at several points along the way. The first formal opportunity to comment is during the scoping process (40 CFR 1501.7). Public open houses are scheduled in four communities at the following locations and dates.

October 12—Weber County Library, 131 South 7400 East, Huntsville, Utah, 4:00–7:00 p.m.

October 13—Salt Lake City-County Building, 451 South State Street, Salt Lake City, 4:00–7:00 p.m.

October 14—Logan Ranger District Office, 1500 East Highway 89, Logan, Utah, 4:00–7:00 p.m.

October 19—School Board Room, 129 2nd Street, Mountain View, Wyoming, 5:00–8:00 p.m.

Release and Review of the EIS

The Draft Environmental Impact Statement (EIS) is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public comment in June of 2000. At that time, the EPA will publish a notice of availability in the **Federal Register**. The comment period on the Draft EIS will be at least 90 days from the date the EPA publishes the notice of availability in the **Federal Register**, as required by the planning regulations.

The Forest Service believes, at this early stage, it is important to give reviewers notice of several court rulings

related to public participation in the environmental review process. First, reviewers of the Draft EIS must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions; Vermont Yankee Nuclear Power Corp. v. NRDC. 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (Final EIS) 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 objectives are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final EIS.

To assist the Forest Service in identifying and considering issues and concerns on the proposed programmatic actions, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the Draft EIS or the merits of the alternatives formulated and discussed in the statements. 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 in addressing these points.

After the comment period ends on the Draft EIS, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The Final EIS is scheduled to be completed in December of 2000. The responsible official will consider the comments, responses, and environmental consequences discussed in the Final EIS, and applicable laws, regulations, and policies in making decisions regarding the revision. The responsible official will document the decisions and reasons for the decisions in a Record of Decision for the revised plan. The decisions will be subject to appeal in accordance with 36 CFR part 217. Jack A. Blackwell, Intermountain Regional Forester, is the responsible official for this EIS.

Dated: September 21, 1999.

Pam Gardiner,

Deputy Wasatch-Cache Forest Supervisor.
[FR Doc. 99–25027 Filed 9–27–99; 8:45 am]
BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Transfer of Administrative Jurisdiction; Willow Island Locks and Dam Project, Wayne National Forest, Ohio

AGENCY: Forest Service, USDA.

ACTION: Notice of land interchanges.

SUMMARY: On July 27, 1998, and July 6, 1999, the Secretary of the Army and the Secretary of Agriculture, respectively, signed a joint interchange order authorizing the transfer of administrative jurisdiction of 63.12 acres, more or less, lying within the Wayne National Forest in Washington County, Ohio, from the Department of Agriculture to the Department of the Army. Furthermore, the order transfers from the Department of the Army to the Department of Agriculture 23.74 acres, more or less, lying adjacent to the exterior boundaries of the Wayne National Forest, Washington County, Ohio, for inclusion in the Wayne National Forest. The 45-day Congressional oversight requirement of the Act of July 26, 1956 (70 Stat. 656; 16 U.S.C. 505a, 505b) has been met. A copy of the Joint Order, as signed, and Exhibits A, B, and C, which describe the lands and interests therein being conveyed, are set out at the end of this notice.

EFFECTIVE DATE: The order is effective September 28, 1999.

FOR FURTHER INFORMATION CONTACT: David M. Sherman, Lands Staff, Forest Service, USDA, PO Box 96090, Washington, DC 20090–6090, Telephone: (202) 205–1362.

Dated: September 3, 1999.

Gloria Manning,

Associate Deputy Chief, National Forest System.

DEPARTMENT OF THE ARMY

DEPARTMENT OF AGRICULTURE

WILLOW ISLAND LOCKS AND DAM, WAYNE NATIONAL FOREST, WASHINGTON COUNTY, OHIO

Joint Order Interchanging Administrative Jurisdiction of Department of the Army Lands and National Forest Lands

By virtue of the authority vested in the Secretary of the Army and in the Secretary of Agriculture by the Act of July 26, 1956 (70

Stat. 656; 16 U.S.C. Sections 505a and 505b), as amended, it is ordered as follows:

(1) The lands under the jurisdiction of the Department of the Army identified in Exhibit A, attached hereto and made a part hereof, are hereby transferred from the jurisdiction of the Secretary of the Army to the jurisdiction of the Department of Agriculture, subject to outstanding rights or interests of record, and flowage easement rights over the portion of the premises below elevation 608 feet mean sea level, as set out in Exhibit B. These lands were acquired by the United States in connection with the Willow Island Locks and Dam Project and are adjacent to the exterior boundary of the Wayne National Forest, Ohio.

(2) Flowage easements described in Exhibit B, over the lands identified in Exhibit C,

attached hereto and made a part hereof, are hereby transferred from the jurisdiction of the Secretary of Agriculture to the jurisdiction of the Department of the Army, subject to outstanding rights or easements of record. The Secretary of Agriculture retains such rights in said lands as are not inconsistent with the flowage easement rights transferred herein. These lands are a part of the Wayne National Forest, Ohio, and are subject to flooding by the operation of the Willow Island Locks and Dam project.

(3) Pursuant to Section 2 of the aforesaid Act of July 26, 1956, the Department of the Army lands transferred to the Secretary of Agriculture by this order are hereby subject to the laws applicable to lands acquired under the Act of March 1, 1911 (38 Stat. 961), as amended. The interests in land transferred

to the Secretary of the Army by this order shall hereafter be subject to the laws applicable to the Department of the Army lands comprising the Willow Island Locks and Dam project.

This order will be effective as of the date of publication in the **Federal Register**.

Dated: July 27, 1998.

Louis Caldera,
Secretary of the Army.

Dated: July 6, 1999.

Dan Glickman,
Secretary of Agriculture.

BILLING CODE 3410-11-M

EXHIBIT A

LEGAL DESCRIPTION

TOWNSHIP 2 NORTH, RANGE 7 WEST, OHIO RIVER SURVEY
NEWPORT TOWNSHIP, WASHINGTON COUNTY, OHIO**SECTION 25:**

Situated in the State of Ohio, Washington County, Newport Township, Section 25, Town 2, Range 7, Original Seven Ranges, more particularly described as follows:

Commencing for reference at the reported Northwest corner of Section 25, Town 2, Range 7, where a reference stone monument found, set in 1899 by Levi Bartlett, Survey No. 5083, bears East 33.00 feet, thence S 58° 46' 42" E a distance of 3355.31 feet to an iron rebar monument with cap set and stamped "Corner No. 1", said point being the True Point of Beginning for the parcel herein described; thence S 34° 31' 30" E for a total distance of 820.52 feet to a point in the Ohio River at the normal pool elevation of Lock & Dam No. 17, passing an iron rebar with cap set at 668.34 feet; thence with the meanders of the normal pool elevation S 47° 53' 00" W a distance of 1494.30 feet to a point; thence leaving the normal pool elevation N 01° 35' 00" E a distance of 1476.57 feet to a point identified as "Corner 102-3", passing an iron pin with cap identified as "Corner 102-2A" found on the top of the river bank at 133.14 feet, also passing an iron pin with cap identified as "Corner 102-2B" at 921.93 feet, also passing an iron pin with cap set in concrete and identified as "Corner 102-2C" at 1421.89 feet; thence N 70° 37' 03" E a distance of 134.99 to a point identified as "Corner 102-4"; thence S 16° 57' 50" E a distance of 49.08 feet to an iron pin set in concrete found and identified as "Corner 104-1"; thence N 68° 20' 15" E a distance of 157.93 feet to an iron pin in concrete found and identified as "Corner 106-1"; thence N 66° 37' 01" E a distance of 189.10 feet to an iron pin in concrete found and identified as "Corner 108-1"; thence N 63° 13' 48" E a distance of 157.51 feet to the True Point of Beginning, containing 23.740 acres, more or less.

The bearings used herein are referenced to the Ohio State Plane Coordinate System, South Zone, Ground Distance Modified. Mean Pool Elevation is based on the Corps of Engineers U.S. Army Sandy Hook Datum. Normal Pool Elevation is 586.6. This legal description was prepared by Robert G. Vernon, Professional Surveyor No. 6282, based on field surveys in April, 1994.

The above described tract is a part of the same land acquired by the United States of America in a deed from Chella I. Thorniley, et al, dated 9 September 1966, recorded in Deed Volume 365, Page 496, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Raymond Cogleton, et ux, in a deed dated 13 April 1966, recorded in Deed Volume 362, Page 113, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Max L. Smith in a deed dated 1 June 1966, recorded in Deed Volume 363, Page 983, in the Office of the Recorder of Washington County, Ohio.

Also part of the same land acquired by the United States of America from Florence Jessie Brown Toomey, et al, by Declaration of Taking filed 7 November 1966, recorded in Deed Volume 366, Page 886, in the Office of the Recorder of Washington County, Ohio.

EXHIBIT B

Flowage Easement Estate

The perpetual right, power, privilege and easement in, upon, over and across the land described in Exhibit "C" for the purposes set forth below:

a. Permanently to overflow, flood and submerge the land lying below elevation 602 feet mean sea level in connection with the operation and maintenance of the Willow Island Locks and Dam project for the purposes as authorized by the Act of Congress approved 3 March 1909, together with all right, title and interest in and to the timber and the continuing right to clear and remove any brush, debris and natural obstructions which, in the opinion of the representative of the United States in charge of the project may be detrimental to the project.

b. Occasionally to overflow, flood and submerge the land lying above elevation above elevation 602 feet mean sea level in connection with the operation and maintenance of said project.

Together with all right, title and interest in and to the structures and improvements now situate on the land, except fencing, above elevation 602 feet mean sea level and also excepting the existing improvements associated with a marina and camping facility that includes shelter houses, bath houses, rest rooms, playground equipment, camper hook-ups, dumping station, asphalt drives and parking, asphalt walk paths, treated wood decks, gazebo, docks, a concrete boat launch, and a concrete retaining wall. Provided that no structures for human habitation shall be constructed or maintained on the land, and that no other structures shall be constructed or maintained on the land except as may be approved in writing by the representative of the United States in charge of the project, and that no excavation shall be conducted and no landfill placed on the land without such approval as to the location and method of excavation and/or placement of landfill; the above estate is taken subject to existing easements for public roads and highways, public utilities, railroads and pipelines; reserving however, to the landowners, their heirs and assigns, all such rights and privileges as may be used and

EXHIBIT C

FLOWAGE EASEMENT LANDS
TO BE TRANSFERRED TO
THE DEPARTMENT OF THE ARMY

TRACT: A, Parcel 1, (Segment 15)
OWNER: United States Department of
Agriculture, Forest Service
ACRES: 0.50

REV.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 1

A certain tract of land situate in the State of Ohio, Washington County, Newport Township, Section 18, Township 1 North, Range 6 West, on the Ohio River, and on Davis Run, a tributary of the Ohio River, at approximate river mile 152.0 and more particularly bounded and described as follows:

Beginning at the intersection of the 607 foot contour with the line between the lands now or formerly owned by George R. Murphy, and the subject owner, said point being located South $22^{\circ} 55'$ West 353 feet from the intersection of Township Route No. 135 with Ohio State Highway No. 7; thence, leaving the lands of said Murphy, severing the lands of the subject owner, upstream following and binding on the meanders of said 607 foot contour, the following courses and distances:

North $14^{\circ} 02'$ East 58 feet,

North $31^{\circ} 27'$ East crossing the southern right-of-way line of said Highway No. 7 at 6 feet, in all 191 feet to a point 6 feet south of the center line of a culvert in Davis Run, which crosses under said Highway No. 7; thence, leaving said 607 foot contour, and with a line parallel to the center line of said culvert, upstream with said Run,

North $43^{\circ} 51'$ West crossing the center line of said Highway No. 7 at 50 feet, in all 111 feet to a point on said 607 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 607 foot contour, the following courses and distances:

South $81^{\circ} 32'$ West crossing the northern right-of-way line of said Highway No. 7 at 3 feet, in all 21 feet,

North $52^{\circ} 08'$ West 228 feet,

North $38^{\circ} 57'$ West 154 feet,

North $26^{\circ} 34'$ West crossing the center line of a private road at 10 feet, in all 157 feet to a point in the center of said Run; thence leaving the center of said Run, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 607 foot contour, the following courses and distances:

South 37° 09' East crossing the center of said private road at 165 feet, in all 207 feet,

South 49° 26' East 211 feet to a point in the line of lands now or formerly owned by Harry W. Leasure and C. Wells Rodefer; thence, leaving said 607 foot contour, and with the lands of said Leasure and Rodefer,

South 43° 51' East crossing said northern right-of-way line at 90 feet, entering the center line of said culvert at 125 feet, crossing the center line of said Highway 7 at 186 feet, leaving the center line of said culvert at 235 feet, in all 247 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 600; thence, leaving the lands of said Leasure and Rodefer, downstream following and binding on the meanders of said 600 foot contour,

South 25° 59' West crossing said southern right-of-way line at 50 feet, in all 257 feet to a point in the line of lands of said Murphy; thence, leaving said 600 foot contour, and with the lands of said Murphy,

North 38° 40' West 26 feet to the place of beginning, containing 0.50 acre, more or less, of which 0.15 acre is located below the normal pool of the Willow Island Dam (Elev. 602). The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from William R. Deshler, et al, to United States of America, dated April 4, 1942 and filed for record April 6, 1942 and recorded in Deed Volume 222, Page 336 in the records of Washington County, Ohio.

TRACT: A, Parcel 2 (Segment 17)
OWNER: United States Department of
Agriculture, Forest Service
ACRES: 11.66

REV.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 2

A certain tract of land situate in the State of Ohio, Washington County, Grandview Township, Sections 26 and 32, Township 1 North, Range 5 West, on an unnamed drain, a tributary of Sheets Run, on Sheets Run, a tributary of the Ohio River, and on the Ohio River, at approximate river mile 148.7, and more particularly bounded and described as follows:

Beginning at the intersection of the 608 foot contour with the line between the lands now or formerly owned by Nettie R. Holdren, and the subject owner, said point being located South 51° 22' East 410 feet from the intersection of a private drive with Ohio State Route No. 7; thence, leaving said 608 foot contour, and with the lands of said Holdren,

South 51° 20' East 19 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 601; thence, leaving the lands of said Holdren, downstream following and binding on the meanders of said 601 foot contour, the following courses and distances:

South 38° 22' West crossing the Section Line between Sections 26 and 32, Township 1 North, Range 5 West, at 368 feet, in all 846 feet,

South 36° 28' West 229 feet,

South 42° 21' West 245 feet,

South 46° 17' West 628 feet,

South 50° 03' West 570 feet,

South 58° 36' West crossing the center of Sheets Run at 180 feet, in all 186 feet to a point in the line of lands now or formerly owned by Theodore S. Dye; thence, leaving said 601 foot contour, and with the lands of said Dye,

North 13° 45' West crossing the center of said Run at 20 feet, recrossing the center of said Run at 405 feet, in all 495 feet to a point on said 608 foot contour; thence, leaving the lands of said Dye, severing the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 57° 59' East 55 feet,

North 27° 56' East 75 feet,

North 16° 23' West 53 feet,

South 83° 44' West 100 feet to a point in the line of lands of said Dye; thence, leaving said 608 foot contour, and with the lands of said Dye,

North 13° 45' West crossing the southern right-of-way line of said Highway No. 7 at 330 feet, in all 350 feet to a point on said 608 foot contour; thence, leaving the lands of said Dye, severing the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour,

North 72° 56' East 198 feet to a point 6 feet west of the centerline of a culvert in said Run' thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, upstream with said Run,

North 09° 28' West crossing the centerline of said Highway at 68 feet, in all 128 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 72° 28' West 20 feet,

North 10° 31' West crossing the northern right-of-way of said Highway at 92 feet, in all 225 feet,

North 27° 15' East 74 feet,

North 09° 55' East 267 feet,

South 19° 12' East 119 feet,
North 78° 19' East 30 feet,
North 06° 16' West 247 feet,

North 05° 10' East 333 feet to a point in the center of said Run; thence, leaving the center of said Run, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 14° 45' East 39 feet,
South 00° 51' West 340 feet,
South 64° 57' East 103 feet,
South 04° 03' West 99 feet,
South 21° 06' West 225 feet,
South 11° 45' East 231 feet,

South 62° 37' West crossing said northern right-of-way line at 45 feet, in all 152 feet to a point 6 feet east of the centerline of said culvert; thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, downstream of said Run,

South 09° 28' East crossing the centerline of said Highway at 63 feet, in all 128 feet, to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, upstream with the right descending bank of an unnamed drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 71° 58' East 229 feet,
South 49° 38' West crossing said southern right-of-way line at 5 feet, in all 79 feet,

North 85° 50' East 137 feet,

South 58° 04' East 163 feet to a point 1.5 feet north of the centerline of a culvert in said drain; thence, leaving said 608 foot contour, with a line parallel to the centerline of said culvert, upstream with said drain,

North 40° 46' East 38 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, up stream with the right descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 28° 37' West 88 feet,
North 31° 17' East 92 feet,
North 57° 49' East 137 feet,
North 41° 23' East 135 feet,

North 58° 36' East 478 feet to a point in the center of said drain; thence, leaving the center of said drain, continuing to sever the lands of the subject owner, downstream with the left descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 40° 02' West 65 feet.

South 53° 03' West 298 feet,

South 36° 57' West 141 feet,

South 10° 03' West 80 feet,

South 51° 40' West 280 feet,

South 51° 38' West 23 feet to a point 1.5 feet south of the centerline of said culvert; thence, leaving said 608 foot contour, and with a line parallel to the centerline of said culvert, downstream with said drain,

South 40° 46' West 38 feet to a point on said 608 foot contour; thence, leaving said parallel line, continuing to sever the lands of the subject owner, downstream with the left descending bank of said drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 29° 44' East 92 feet,

South 60° 20' West 83 feet,

South 30° 38' West 120 feet,

South 88° 19' West 239 feet,

South 05° 20' East 107 feet; thence, continuing to sever the lands of the subject owner, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 25° 08' West 214 feet,

South 42° 50' West 75 feet,

South 15° 25' East 271 feet; thence, continuing to sever the lands of the subject owner, upstream following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 57° 18' East 242 feet,

North 53° 51' East 459 feet,

North 45° 57' East 851 feet,

North 37° 13' East 303 feet

North 38° 45' East crossing said Section Line at 411 feet, in all 759 feet to the place of beginning, containing 11.66 acres, more or less, of which 2.25 acres are located below the normal pool of the Willow Island Dam (Elev. 602). The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from Hosie Grimes (widower) and John H. Grimes and Ruth Grimes, his wife, to the United States of America, (Forest Service Department of Agriculture), dated 20 November 1969, and filed for record 22 December 1969, and recorded in Deed Volume 388, page 713 in the records of Washington County, Ohio.

TRACT: A, Parcel 3 (Segment 19)
OWNER: United States Department of
Agriculture, Forest Service
ACRES: 0.13

Rev.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 3

A certain tract of land situate in the State of Ohio, Washington County, Grandview Township, Section 23, Township 1 North, Range 5 West, on the Ohio river, at approximate river mile 145.0, and more particularly bounded and described as follows:

Beginning at the intersection of the 609 foot contour with the line between the lands now or formerly owned by Ralph E. Mahnken, et ux, and the subject owner, said point being located South 17° 23' West 1040 feet from U.S. Corps of Engineers Monument W.I.O. 38; thence, leaving the lands of said Mahnken, et ux, and severing the lands of the subject owner, upstream following and binding on the meanders of said 609 foot contour, the following courses and distances:

North 26° 55' East 239 feet,

North 33° 06' East 100 feet to a point on the line of other lands of said Mahnken, et ux; thence, leaving the said 609 foot contour and with the lands of said Mahnken, et ux,

Due East 20 feet to a point on the ordinary high water line of the Ohio River as defined by the contour elevation 603; thence, leaving the other lands of said Mahnken, et ux, downstream following and binding on the meanders of said 603 foot contour, the following courses and distances:

South 31° 17' West 210 feet,

South 26° 42' West 130 feet to a point on the line of the lands of said Mahnken, et ux; thence, leaving the 603 foot contour and with the lands of said Mahnken, et ux,

Due West 10 feet to the place of beginning, containing 0.13 acres, more or less. The bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are above mean sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from Ralph E. Mahnken and Mary Alice Mahnken, husband and wife, to The United States of America (Forest Service, Department of Agriculture, dated December 7, 1965 and filed for record December 30, 1965 and recorded in Deed Volume 360, Page 271 in the records of Washington County, Ohio.

TRACT: A, Parcel 8 (Segment 16)
OWNER: United States Department of
Agriculture, Forest Service
ACRES: 50.83

REV.
6-2-77
J.G.M.

LEGAL DESCRIPTION

TRACT NO. A, Parcel 8

A certain tract of land situate in the State of Ohio, Washington County, Independence Township, Sections 1, 2, & 7, Township 2, North, Range 6 West, on the Ohio River, and on Browns Run, a tributary of the Ohio River, at approximate river mile 150.4, and more particularly bounded and described as follows:

Beginning at the intersection of the 608 foot contour with the line between the lands now or formerly owned by Barber Riggs, and the subject owner, said point being located South 14° 40' East 279 feet from the intersection of a private road with Ohio State Highway No. 7; thence, leaving the lands of said Riggs, severing the lands of the subject owner, upstream following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 74° 06' East 996 feet,

North 66° 21' East 150 feet; thence, continuing to sever the lands of the subject owner, upstream with the right descending bank of Browns Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 25° 11' West 204 feet,

North 18° 38' West 91 feet,

North 30° 50' West 72 feet to the center of said Run; thence, leaving the center of said Run, downstream with the left descending bank of said Run following and binding on the meanders of said 608 foot contour, the following courses and distances:

South 39° 26' East 80 feet,

South 49° 05' East 20 feet,

South 33° 23' East 309 feet,

North 74° 01' East crossing said Section Line at 140 feet, in all 370 feet to a point; thence, continuing on the 608 foot contour,

North 75° 18' East 500 feet

North 71° 50' East 484 feet

North 76° 34' East 504 feet; thence, continuing to sever the lands of the subject owner, upstream with the right descending bank of an unnamed drain following and binding on the meanders of said 608 foot contour, the following courses and distances:

North 27° 46' East 64 feet,

North 12° 45' West 303 feet,

North 33° 45' West 239 feet,

South 50° 49' West 154 feet,
North 74° 36' West 72 feet,

North 22° 48' West 95 feet to a point on the line of lands now or formerly owned by Ray E. Baker and Dorothy M. Baker, on the Section Line between Sections 1 and 2; thence, leaving said 608 foot contour, and with the lands of said Ray E., and Dorothy M. Baker, and with said Section Line,

South 88° 42' East 439 feet to a corner to lands now or formerly owned by Maggie Riggs, et al, and the lands of said Ray E. and Dorothy M. Baker; thence, leaving the said Section Line, and with the said Riggs, et al,

North 00° 07' West 723 feet, to the intersection of the 608 foot contour with the line between the lands of the said Baker, and the said Riggs; thence, leaving the lands of said Baker, severing the lands of the subject owner, following and binding on the meanders of said 608 foot contour, as follows:

North 58° 27' East crossing the center of an unnamed drain at 134 feet, in all 149 feet,

South 69° 40' East crossing the southern right-of-way line of said Highway No. 7 at 22 feet, crossing the center of a private road at 32 feet, in all 124 feet,

North 58° 40' East 135 feet,

North 27° 24' East crossing said southern right-of-way line at 141 feet, in all 152 feet,

North 63° 41' East 201 feet,

North 72° 28' East 262 feet,

North 79° 34' East 375 feet,

North 02° 09' East 38 feet to a point on the line between the lands now or formerly owned by Maggie Riggs, et al, and the subject owner said point being the centerline of said Highway; thence, with said Riggs, et al, and with said centerline,

South 87° 51' East 28 feet to a point on the line of the lands now or formerly owned by Harriett E. McMahan, et al and said point being a corner common to said Riggs, et al, and the subject owner, said point also located in or near center of Leith Run; thence, leaving said Highway and said Riggs, et al, with said McMahan, et al, downstream following and binding on the meanders of said Run as follows:

South 07° 29' West 22 feet,

South 24° 56' East 126 feet,

South 01° 38' East 105 feet,

South 59° 13' West 55 feet,

South 14° 14' West 138 feet,

South 35° 50' East 67 feet,

North 59° 32' East 59 feet,

South 50° 51' East 146 feet,

South 37° 34' West 82 feet,

North 54° 15' West 62 feet,

South 67° 23' West 26 feet,

South 02° 52' East 120 feet,

South 65° 13' West 29 feet,
South 30° 41' West 106 feet,
South 54° 52' West 66 feet,
South 30° 14' West 230 feet,
South 05° 51' West 39 feet,
South 45° 00' East 99 feet,
Due South 50 feet,
South 60° 08' West crossing the Section Line between Sections 1 and 2, Township 2 North,
Range 6 West at 156 feet, in all 171 feet,

South 25° 46' West 97 feet,
South 24° 47' East 43 feet,
South 55° 27' East 183 feet,
South 87° 24' East 110 feet,
South 49° 24' East 55 feet,
South 45° 00' West 89 feet,
South 75° 48' West 175 feet,
South 63° 35' West 166 feet,
South 74° 11' West 326 feet to a point on the ordinary high water line of the Ohio River as
defined by the contour elevation 601; thence, leaving the lands of said McMahan, et al, downstream
following and binding on the meanders of said 600 foot contour, the following courses and distances:

South 76° 43' West 204 feet,
South 64° 04' West 242 feet,
South 85° 03' West crossing the center of said drain at 91 feet, in all 267 feet,

South 77° 02' West 312 feet,
South 83° 42' West 364 feet,
South 74° 35' West 191 feet,
South 78° 08' West 501 feet,
South 72° 48' West crossing the Section Line between Sections 1 and 7, Township 2 North,
Range 6 West at 250 feet, in all 467 feet to the center of Browns Run; thence, continuing with the
said 600 foot contour, downstream the following courses and distances:

South 76° 23' West 463 feet,
South 72° 49' West 664 feet to a point in the line of lands of said Riggs; thence, leaving said
600 foot contour, and with the lands of said Riggs,
North 18° 12' West 77 feet to the place of beginning, containing 50.83 acres, more or less, of
which 9.33 acres are located below the normal pool of the Willow Island Dam (Elev. 602). The
bearings used herein are referenced to the Ohio State Coordinate System, South Zone (Page's Ohio
Revised Code Sec. 157.01 to 157.07 incl.). The elevations expressed herein are based on above mean
sea level, Sandy Hook Datum, as determined by the Corps of Engineers, U.S. Army.

The above described tract is a part of the same land as that described in a deed from Sarah
Elizabeth Brown Knapp a.k.a. Elizabeth Brown Knapp, single, Martha R. Kootz Brown, a.k.a.
Martha R. Brown, a widow; James B. Lauffer, a.k.a. James Brown Lauffer and Nancy Ann Lauffer,

husband and wife; Walter Koontz Brown, a.k.a. Walter Kuntz Brown and Margurite Kemp Brown, husband and wife; Donald Mark Brown and Isabel Lawton Brown, husband and wife; Richard Carl Brown and Elouise Lunsford Brown, husband and wife; Florence Jessie Brown Toomey and Tom J. Toomey, her husband; Frank Walter Brown and Phyllis Rose Brown, husband and wife; to the United States of America by deed dated October 20, 1972, and recorded October 24, 1972, in Deed Volume 404, Page 734 in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Donald Mark Brown and Isabel Lawton Brown, his wife; Richard Carl Brown and Elouise Lunsford Brown, his wife; Florence Jessie Brown Toomey, and Tom J. Toomey, her husband; Frank Walter Brown and Phyllis Rose Brown, his wife; to the United States of America by deed dated October 20, 1972, and recorded October 24, 1972, in Deed Volume 404, Page 744, in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Lorene V. Bradfield Wentzel and Carl Wentzel, her husband, Gilbert A. Bradfield and Elouise Bradfield, his wife, Alice Bradfield Whiting and Creston J. Whiting, her husband, Charles B. Bradfield, a.k.a. Charles Bernard Bradfield and Ann Bradfield, his wife, Katherine Scott, a.k.a. Katherine E. Scott, single, Barbara Brockmeier and Thomas Brockmeier, her husband, Hazel Nelson and W. Forrest Nelson, her husband, Kathleen Foster, a widow, Jacqueline Sue Harmon and Bruce Harmon, her husband, Judith Carolyn Foster Hammock and Gearld Hammock, a.k.a. Gerald Hammock, her husband, Sonja Foster Ehmer and William Ehmer, her husband, Walter Foster and Mildred Foster, his wife, Thelma Foster Ullman and Chester Ullman, her husband, Harry A. Bradfield, a.k.a. Harry W. Bradfield and Erma Bradfield, his wife, James Robert Bradfield and Alice Sue Bradfield, his wife, Martha Clark and Carl O. Clark, her husband, Ray G. Bradfield and Catherine Bradfield, his wife, Donald A. Bradfield and Lillian Bradfield, his wife, Fay Butcher and Robert Butcher, her husband, Addison Bradfield and Ella Bradfield, his wife, Grace Fleming and Frank Fleming, her husband, and Mary A. Bradfield Smith, a widow, to the United States of America by deed dated 9 February 1973, and recorded September 17, 1973 in Deed Volume 410, Page 482, in the records of Washington County, Ohio.

Also a part of the same land as that described as Section One in a deed form Colonial Enterprises, Inc. a corporation; to the United States of America by deed dated December 11, 1973, and recorded December 12, 1973, in Deed Volume 412, Page 418, in the records of Washington County, Ohio.

Also a part of the same land as that described in a deed from Maggie Riggs, a widow; Homer Sanford Riggs, a.k.a. Homer Riggs, and Carrie Riggs, his wife; Mildred Weber, a.k.a. Mildred Webber, a widow; Walter Adam Riggs, a.k.a. Walter Riggs, and Dalliers Riggs, his wife; Charles Clement Riggs, a.k.a. Charles Riggs, and Ann R. Riggs, his wife; Harold Gale Riggs, a.k.a. Harold Riggs, and Irene Riggs, his wife; John Dwight Riggs, a.k.a. John Riggs, and Vera V. Riggs, his wife; Robert William Riggs, a.k.a. Robert Riggs, and Ethyl Riggs, his wife; Elwanda Fox a.k.a. Elwanda Rose Riggs, and Darrell Fox, her husband; Loretta Cline and Jesse H. Cline, her husband; Sandra Bleakly, a.k.a. Sandra Riggs, and Patrick R. Beleakley, her husband; Dallas Riggs and Linda Riggs, his wife to the United States of America by deed dated 9 February 1973, and recorded September 17, 1973 in Deed Volume 420, Page 112, all in the records of Washington County, Ohio.

DEPARTMENT OF AGRICULTURE**Rural Utilities Service****Information Collection Activity;
Comment Request****AGENCY:** Rural Utilities Service, USDA.**ACTION:** Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

DATES: Comments on this notice must be received by November 29, 1999.

FOR FURTHER INFORMATION CONTACT: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, 1400 Independence Ave., SW., STOP 1522, Room 4036 South Building, Washington, DC 20250-1522. Telephone: (202) 720-9550. FAX: (202) 720-4120.

SUPPLEMENTARY INFORMATION: The Office of Management and Budget's (OMB) regulation (5 CFR part 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies a new information collection that RUS is submitting to OMB for approval. 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 will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, 1400 Independence Ave., SW., Washington, DC 20250-1522. FAX: (202)720-4120.

Title: Community Programs Guaranteed Loans.

Type of Request: New Information Collection.

Abstract: The Rural Utilities Service is authorized by Section 306 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926) to make loans to public agencies, nonprofit corporations, and Indian tribes for the development of water and wastewater disposal facilities primarily serving rural residents. The guaranteed loan program encourages lender participation and provides specific guidance in the processing and servicing of guaranteed Water and Waste Disposal loans. The guaranteed loan program is conducted through 7 CFR part 1980, subpart I.

Estimate of Burden: Public reporting for this collection of information is estimated to average 14 hours per response.

Respondents: Not-for-profit institutions; State, Local or Tribal Government.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 10.

Estimated Total Annual Burden on Respondents: 1,352 hours.

Copies of this information collection can be obtained from Michele Brooks, Program Development and Regulatory Analysis, at (202) 690-1078. FAX: (202) 720-4120.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: September 22, 1999.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.
[FR Doc. 99-25180 Filed 9-27-99; 8:45 am]

BILLING CODE 3410-15-U

DEPARTMENT OF AGRICULTURE**Rural Utilities Service****M&A Electric Power Cooperative, Inc.;
Notice of Availability of an
Environmental Assessment****AGENCY:** Rural Utilities Service, USDA.**ACTION:** Notice of Availability of an Environmental Assessment.

SUMMARY: Notice is hereby given that the Rural Utilities Service (RUS) and the U.S. Army Corps of Engineers are issuing an environmental assessment with respect to the potential environmental impacts related to the construction and operation of a 69 kV electric transmission line and substation in Wayne County, Missouri. RUS may

provide financing assistance to M&A Electric Power Cooperative, Inc., for the project. The U.S. Army Corps of Engineers will grant a right-of-way easement across property they manage for a portion of the transmission line and the substation.

FOR FURTHER INFORMATION CONTACT: Bob Quigel, Environmental Protection Specialist, Rural Utilities Service, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250-1571, telephone: (202) 720-0468. Bob's e-mail address is bquigel@rus.usda.gov. Information is also available from Tony Gott, M&A Electric Power Cooperative, Inc., Highway PP, West, Poplar Bluff, Missouri 63901, (573) 785-9651.

SUPPLEMENTARY INFORMATION: The project consists of the construction of a 69 kV electric transmission line and substation to be located in Wayne County, Missouri. The project will be constructed by M&A Electric Power Cooperative, Inc. The line will tie into an existing substation located near Patterson and be connected to a new substation to be constructed near Silva. The length of the transmission line is approximately 7 miles. The substation will require approximately 4 acres of land. A portion of the transmission line and the substation will be located within the Wappapello Lake Project area which is managed by the U.S. Army Corps of Engineers. The U.S. Army Corps of Engineers is a cooperating agency in the environmental review of this project.

Burns and McDonnell prepared an environmental assessment for RUS and the U.S. Army Corps of Engineers which describes the project and assesses its environmental impacts. RUS and the U.S. Army Corps of Engineers have conducted an independent evaluation of the environmental assessment and believe that it accurately assesses the impacts of the proposed project. No significant impacts are expected as a result of the construction of the project.

The environmental assessment can be reviewed at the Piedmont Public Library, 118 West Green, Piedmont, Missouri 63957, telephone (573) 223-7036, the headquarters of M&A Electric Power Cooperative, Inc., at the address provided above, or the headquarters of RUS, at the address provided above.

Questions and comments should be sent to RUS at the address provided. RUS will accept questions and comments on the environmental assessment for at least 30 days from the date of publication of this notice.

Any final action by RUS related to the proposed project will be subject to, and

contingent upon, compliance with all relevant Federal environmental laws and regulations and completion of environmental review procedures as prescribed by the 7 CFR part 1794, Environmental Policies and Procedures.

Dated: September 22, 1999.

Blaine D. Stockton, Jr.,

Assistant Administrator—Electric.

[FR Doc. 99-25179 Filed 9-27-99; 8:45 am]

BILLING CODE 3410-15-P

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: Licensing Responsibilities and Enforcement.

Agency Form Number: None.

OMB Approval Number: 0694-xxx.

Type of Request: New collection.

Burden: 70,104 hours.

Average Time Per Response: Up to 2.5 hours per response.

Number of Respondents: 145,372 respondents.

Needs and Uses: This information collection package supports the various collections, notifications, reports, and information exchanges that are needed by the Office of Export Enforcement and Customs to enforce the Export Administration Regulations and maintain the National Security of the United States.

(a) *Assumption Writing.* This writing is necessary to establish who will be responsible for compliance with license requirements in the Export Administration Regulations.

(b) *Information sharing requirements.* This information sharing requirement is necessary because the foreign principal and/or his agent has taken on the responsibility for license requirements without necessarily having all the information necessary to make a license determination or obtain a license.

(c) *Power of attorney or other written authorization.* It is necessary to establish the principal/agent relationship in writing, so that BXA can determine who was responsible for compliance of the EAR and the proper party can be charged when a violation of the Export Administration Regulations has occurred.

(d) *Procedures for unscheduled unloading.* When a BXA-issued license is required to unload items, no person may effect delivery or entry of the items into the commerce of a country without prior written approval from BXA. The carrier must ensure that the items do not enter the commerce of a country by placing the items in custody, or under bond or other guaranty. In addition, the carrier must inform the exporter and BXA of the unscheduled unloading in a time frame that will enable the exporter to submit its report within 10 days from the date of the unscheduled unloading.

(e) *Return or Unloading at Direction of U.S. Dept of Commerce.* Where there are reasonable grounds to believe that a violation of the EAR has occurred or will occur with respect to a particular export from the U.S., BXA or any U.S. Customs officer may order any person in possession or control of such shipment to return or unload the shipment.

(f) *Destination Control Statement.* The DCS is a preventive enforcement measure to remind the public that the goods covered by a document that contains the DCS are controlled for export by the U.S. Government and if they plan to export or reexport it they should look at the EAR to make sure they are in compliance.

(g) *Notation on export documents for exports exempt from SED requirements.* The bill of lading or other loading document must be available for inspection along with the items prior to lading on the carrier.

(h) *Exports by U.S. Mail.* Whenever you export items subject to the EAR by mail that meets one of the exemptions for submission of an SED, you must enter the appropriate export authority on the parcel, i.e., either the number of and expiration date of a license issued by BXA, the appropriate License Exception symbol, or NLR "No License Required" designator.

(i) *Issuance of License, Responsibility of the licensee.* When required by the license, the licensee is responsible for obtaining written acknowledgment(s) of receipt of the conditions from the parties to whom those conditions apply. *Affected Public:* Individuals, businesses or other for-profit institutions.

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 Linda Engelmeier, DOC Forms Clearance Officer, Office of the Chief Information Officer (202) 482-3272, Department of Commerce, Room 5027, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at LEngelme@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, DC 20503.

Dated: September 22, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-25147 Filed 9-27-99; 8:45 am]

BILLING CODE 3510-DT-U

DEPARTMENT OF COMMERCE

International Trade Administration

Participation Agreement and Trade Mission Application; Proposed Collection

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burdens, invites the general public and other Federal agencies to take this opportunity to comment on the continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (2)(A)).

DATES: Written comments must be submitted on or before November 29, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5027, 14th & Constitution Avenue, NW, Washington, DC 20230. Phone number: (202) 482-3272. Email: LEngelme@doc.gov.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instrument and instructions should be directed to: John Klingelhut, U.S. & Foreign Commercial Service, Export Promotion Services, Room 2810, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482-4403, and fax number: (202) 482-2526.

SUPPLEMENTARY INFORMATION:

I. Abstract

The ITA-4008P, "Participation Agreement," is the vehicle by which individual firms agree to participate in any of ITA's trade promotion programs, and record their required participation fee to the U.S. Department of Commerce's (DOC). Together with the relevant ITA-4008P-A, "Conditions of Participation," it forms a contract between the individual firm and the

DOC. The ITA-4008P-1, "Trade Mission Application," is used to solicit information from firms seeking to participate in DOC overseas trade missions covered by the Statement of Policy Governing Overseas Trade Missions of the Department of Commerce issued by Secretary Daley on March 3, 1997. Trade Mission participants will be required to complete the Forms ITA-4008P, ITA-4008P-1, and ITA-4008P-A. Other DOC trade event participants will complete Forms ITA-4008P and ITA-4008P-A.

II. Method of Collection

The forms are sent by request to potential U.S. firms.

III. Data

OMB Number: 0625-0147.

Form Number: ITA-4008P, ITA-4008P-1 and ITA-4008P-A.

Type of Review: Regular Submission.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 7,500.

Estimated Time Per Response: 20-70 minutes.

Estimated Total Annual Burden Hours: 2,792 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is \$150,315.00 (\$100,195.00 for respondents and \$50,120.00 for federal government).

IV. Request for Comments

Comments are invited on (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and costs) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: September 23, 1999.

Linda Engelmeier,

Department Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-25148 Filed 9-27-99; 8:45 am]

BILLING CODE 3510-FP-U

DEPARTMENT OF COMMERCE

International Trade Administration

[A-428-811]

Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From Germany: Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of rescission of antidumping duty administrative review

SUMMARY: On April 30, 1999, the Department of Commerce published in the **Federal Register** (64 FR 11439) a notice announcing the initiation of an administrative review of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany for one producer/exporter of Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany, Saarstahl AG, covering the period March 1, 1998, through February 28, 1999. The Department of Commerce has now rescinded this review as a result of the absence of Saarstahl AG's shipments and entries into the United States of subject merchandise during the period of review.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Mary Jenkins, Office 2, AD/CVD Enforcement Group I, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482-4136 or (202) 482-1756, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended, are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR Part 351 (1999).

Background

The Department published in the **Federal Register** on March 9, 1999 (64 FR 11439) a "Notice of Opportunity to Request Administrative Review" of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel

Products from Germany. On March 31, 1999, Inland Steel Bar Company and USS/Kobe Steel Company (the petitioners) requested that the Department conduct an administrative review of the antidumping duty order on Certain Hot-Rolled Lead & Bismuth Carbon Steel Products from Germany produced/exported by Saarstahl AG ("Saarstahl") for the period March 1, 1998, through February 28, 1999.

On April 30, 1999, the Department initiated an administrative review (64 FR 11459). On June 10, 1999, the Department issued Saarstahl a questionnaire. On July 19, 1999, Saarstahl reported that it made no entries or sales of the subject merchandise during the period of review (POR), March 1, 1998, through February 28, 1999. U.S. Customs data, based on the Harmonized Tariff System classifications that include the subject merchandise, confirms that none of the entries made during this time period were of merchandise covered by the antidumping duty order (see Memorandum from David Goldberger to the File dated September 8, 1999). Therefore, we have determined that Saarstahl made no entries of subject merchandise into the customs territory of the United States during the POR.

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of the subject merchandise. In light of the fact that we determined that Saarstahl did not export the subject merchandise into the territory of the United States during the POR in question, we are rescinding this review for Saarstahl. The rate for Saarstahl will remain at zero percent, the rate established in the most recently completed segment of this proceeding (64 FR 43146, August 9, 1999).

This notice is published in accordance with 19 CFR 351.213(d)(4).

Dated: September 21, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99-25215 Filed 9-27-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-588-054; A-588-604]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof From Japan; Antidumping Duty Administrative Reviews; Time Limits

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

ACTION: Notice of Extension of Time Limits.

SUMMARY: The Department of Commerce (the Department) is extending the time limits for the preliminary results of the 1997-1998 administrative reviews of the antidumping finding (A-588-604) and antidumping duty order (A-588-054) on tapered roller bearings from Japan. These reviews cover four manufacturers/exporters and resellers of the subject merchandise to the United States and the period October 1, 1997 through September 30, 1998.

EFFECTIVE DATE: September 28, 1999.

FOR FURTHER INFORMATION CONTACT: Robert M. James at (202) 482-5222, AD/CVD Enforcement Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Because it is not practicable to complete these reviews within the normal statutory time limit, the Department is extending the time limits for completion of the preliminary results until October 4, 1999 in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended. See Memorandum from Joseph A. Spetrini to Robert S. LaRussa, on file in Room B-099 of the main Commerce building. The deadline for the final results of these reviews will continue to be 120 days after publication of the preliminary results.

These extensions are in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended (19 U.S.C. 1675(a)(3)(A)).

Dated: September 20, 1999.

Joseph A. Spetrini,

Deputy Assistant Secretary AD/CVD Enforcement Group III.

[FR Doc. 99-25216 Filed 9-27-99; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

International Trade Administration

Export Trade Certificate of Review

ACTION: Notice of Application.

SUMMARY: The Office of Export Trading Company Affairs ("OETCA"), International Trade Administration, Department of Commerce, has received an application for an Export Trade Certificate of Review ("Certificate"). This notice summarizes the proposed Certificate and requests comments relevant to whether the Certificate should be issued.

FOR FURTHER INFORMATION CONTACT: Morton Schnabel, Director, Office of Export Trading Company Affairs, International Trade Administration, (202) 482-5131. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: Title III of the Export Trading Company Act of 1982 (15 U.S.C. 4001-21) (the "Act") authorizes the Secretary of Commerce to issue Export Trade Certificates of Review. A Certificate protects the holder and the members identified in the Certificate from state and federal government antitrust actions and from private, treble damage antitrust actions for the export conduct specified in the Certificate and carried out in compliance with its terms and conditions. Section 302(b)(1) of the Act and 15 CFR 325.6(a) require the Secretary to publish a notice in the **Federal Register** identifying the applicant and summarizing its proposed export conduct.

Request for Public Comments

Interested parties may submit written comments relevant to the determination whether a Certificate should be issued. If the comments include any privileged or confidential business information, it must be clearly marked and a nonconfidential version of the comments (identified as such) should be included. Any comments not marked privileged or confidential business information will be deemed to be nonconfidential. An original and five copies, plus two copies of the nonconfidential version, should be submitted no later than 20 days after the date of this notice to: Office of Export Trading Company Affairs, International Trade Administration, Department of Commerce, Room 1104H, Washington, D.C. 20230. Information submitted by any person is exempt from disclosure under the Freedom of Information Act (5 U.S.C. 552). However, nonconfidential versions of the

comments will be made available to the applicant if necessary for determining whether or not to issue the certificate. Comments should refer to this application as "Export Trade Certificate of Review, application number 99-00004."

Summary of the Application:
Applicant: USXT, Inc. ("USXT"), 9836 Remer Street, S. El Monte, CA 91733.

Contact: Sharleen Maldonado.

Telephone: (916) 568-6309.

Application No.: 99-00004.

Date Deemed Submitted: September 21, 1999.

Members (in addition to applicant): None.

The applicant has requested an expedited review.

USXT seeks a Certificate to cover the following specific Export Trade, Export Markets, and Export Trade Activities and Methods of Operations.

Export Trade*1. Products*

All Products, including, but not limited to U.S. coal; water treatment equipment, solid and medical waste treatment equipment, and other environmental-related products; food processing equipment, commodities and livestock; and educational materials and systems.

2. Services

All Services, including, but not limited to general management services, engineering services, pollution abatement services, and other services related to the Products.

3. Technology Rights

All intellectual property rights associated with Products or Services, including, but not limited to: patents, trademarks, service marks, trade names, copyrights, neighboring (related rights, trade secrets, know-how, and sui generis forms of protection for databases and computer programs.

4. Export Trade Facilitation Services (as They Relate to the Export of Products, Services and Technology Rights)

Export Trade Facilitation Services, including but not limited to: professional services in the areas of government relations and assistance with state and federal export programs, foreign trade and business protocol; consulting; market research and analysis; collection of information on trade opportunities; marketing; negotiations; joint ventures; shipping and export management; export licensing; advertising; grantsmanship; documentation and services related to compliance with customs requirements;

insurance and financing; bonding; warehousing; export trade promotion; trade show exhibitions and organization; organizational development; management and labor strategies; transfer of technology, transportation; and facilitating the formation of shippers' associations.

Export Markets

The Export Markets include all parts of the world except the United States (the fifty states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands).

Export Trade Activities and Methods of Operation

USXT may:

1. Provide and/or arrange for the provision of Export Trade Facilitation Services;
2. Engage in promotion and marketing activities and collect and distribute information on trade opportunities in Mexico, Latin America, and all other Export Markets;
3. Enter into exclusive and/or non-exclusive agreements with distributors, foreign buyers, and/or sales representatives in Export Markets;
4. Enter into exclusive or non-exclusive sales agreements with suppliers, export intermediaries, or other persons for the sale of Products and Services;
5. Enter into exclusive or non-exclusive licensing agreements with suppliers, export intermediaries, or other persons for licensing Technology Rights in Export Markets;
6. Allocate the sales, export orders and/or divide Export Markets among suppliers, export intermediaries, or other persons for the sale and maintenance of Products and Services;
7. Allocate the licensing of Technology Rights among Suppliers, export intermediaries, or other persons;
8. Establish the price of Products and Services for sale in Export Markets;
9. Establish the fee for licensing of Technology Rights in Export Markets, as well as maintenance and financing commitments;
10. Negotiate, enter into, and/or manage licensing agreements and long-term purchase arrangements involving the export of Technology;
11. Provide extensive intergovernmental services to facilitate the grants and funding involvement of public and nongovernmental funding sources for private sector benefits in terms of export activity for goods and services.

Dated: September 22, 1999.

Morton Schnabel,

Director, Office of Export Trading Company Affairs.

[FR Doc. 99-25217 Filed 9-27-99; 8:45 am]

BILLING CODE 3510-DR-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, Texas: Notice of Availability and Request for Comments on a Draft Damage Assessment and Restoration Plan/Environmental Assessment for Recreational Fishing Service Losses

AGENCIES: National Oceanic and Atmospheric Administration (NOAA), Commerce; United States Department of the Interior (DOI); Texas Parks and Wildlife Department (TPWD); Texas General Land Office (TGLO); Texas Natural Resources and Conservation Commission (TNRCC).

ACTION: Notice of availability of a Draft Damage Assessment and Restoration Plan and Environmental Assessment for recreational fishing service losses associated with the Alcoa Point Comfort/Lavaca Bay NPL Site, and of a 30-day period for public comment on the draft plan beginning September 28, 1999.

SUMMARY: Pursuant to 43 CFR 11.32 and 11.81-.82, notice is hereby given that a document entitled, "Draft Damage Assessment and Restoration Plan and Environmental Assessment for the Point Comfort/Lavaca Bay NPL Site Recreational Fishing Service Losses" (Draft DARP/EA) is available for public review and comment. This document has been prepared by the state and federal natural resource trustee agencies listed above to address recreational fishing services affected by releases of hazardous substances from the Alcoa Point Comfort/Lavaca Bay NPL Site ('Lavaca Bay Site' or 'Site'). This Draft DARP/EA presents the Trustees' assessment of the recreational fishing service losses attributable to the Site, and their proposed plan to compensate for the recreational fishing service losses by restoring recreational fishing services. The Trustees will consider comments received during the public comment period before finalizing the DARP/EA for recreational fishing service losses.

DATES: Comments must be submitted in writing on or before October 28, 1999.

ADDRESSES: Requests for copies of the Draft DARP/EA should be sent to Richard Seiler of TNRCC, MC142, PO Box 13087, Austin, TX 78711-3087 or Tony Penn of NOAA, 1305 East West Highway, Station 10218, Silver Spring, MD 20910. Written comments on the plan should be sent either to Richard Seiler of TNRCC or Tony Penn of NOAA at the addresses listed above.

SUPPLEMENTARY INFORMATION: The Alcoa Point Comfort/Lavaca Bay NPL Site is located in Point Comfort, Calhoun County, Texas and encompasses releases of hazardous substances from Alcoa's Point Comfort Operations facility. Between 1948 and the present, Alcoa has constructed and operated several types of manufacturing processes at this facility, including aluminum smelting, carbon paste and briquette manufacturing, gas processing, chlor-alkali processing, and alumina refining. Past operations at the facility have resulted in the release of hazardous substances into the environment, including through the discharge of mercury-containing wastewater into Lavaca Bay from 1966 to 1970 and releases of mercury into the bay through a groundwater pathway. In April 1988, the Texas Department of Health (TDH) issued a "closure order" prohibiting the taking of finfish and crabs for consumption from a specific area of Lavaca Bay near the facility due to elevated mercury concentrations found in these species.

The Alcoa Point Comfort/Lavaca Bay Site was added to the National Priorities List (NPL), pursuant to section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. 9601, effective on March 25, 1994 (59 FR 8794, February 23, 1994). The Site was listed primarily due to the presence of mercury in several species of fish and crab in Lavaca Bay, the fishing closure imposed by TDH, and the presence of mercury and other hazardous substances in bay sediments adjacent to the facility. Alcoa, the State of Texas and the U.S. Environmental Protection Agency (EPA) signed an Administrative Order on Consent (AOC) under CERCLA in March 1994 for the conduct of a remedial investigation and feasibility study (RI/FS) for the Site.

NOAA, DOI, TPWD, TGLO and TNRCC (collectively, the Trustees) are designated natural resource trustees under section 107(f) of CERCLA, section 311 of the Federal Water Pollution and Control Act (FWPCA), 33 U.S.C. 1321, and other applicable federal or state laws, including Subpart G of the National Oil and Hazardous Substances

Pollution Contingency Plan (NCP), 40 CFR 300.600–300.615. The Trustees are authorized to act on behalf of the public under these authorities to protect and restore public resources and services injured or lost as a result of discharges or releases of hazardous substances.

Paralleling the RI/FS process for the Site, the Trustees have undertaken an assessment of the natural resource injuries and service losses attributable to hazardous substances from the Site. The assessment for this Site has been aided and supported by Alcoa's cooperation pursuant to a Memorandum of Agreement between Alcoa and the Trustees, which was effective January 14, 1997. The Draft DARP/EA released today was developed under the cooperative assessment framework outlined in the MOA and addresses the lost access to or use of fishery resources due to the closure. These losses begin in 1988 and will continue until removal of the closure order, which is expected to occur through remedial activities at the Site. The Draft DARP/EA identifies the assessment procedures used to define the recreational fishing service losses, including to scale restoration actions, and identifies the restoration actions preferred for use to restore recreational fishing services as a basis for compensating for assessed losses.

The Draft DARP/EA released today does not address any other natural resource injuries or services losses that may be attributable to the Site. Other resource injuries or losses are being considered by the Trustees in the assessment process but will be addressed in one or more subsequent Draft DARP/EA(s).

Interested members of the public may request a copy of the Draft DARP/EA for recreational fishing service losses from either Richard Seiler or Tony Penn at the addresses given above. Written comments should be submitted to these individual and will be considered by TPWD, TGLO, TNRCC, NOAA, and DOI, in finalizing the DARP/EA.

FOR FURTHER INFORMATION CONTACT: For further information contact: Richard Seiler at (512) 239–2523, email: rseiler@tnrcc.state.tx.us or Tony Penn, at (301) 713–3038 x 197, email: tony.penn@noaa.gov.

Dated: September 21, 1999.

Captain Ted I. Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 99–25017 Filed 9–27–99; 8:45 am]

BILLING CODE 3510–JE–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Request for Comments on Revisions to Strategic Plan

AGENCY: Corporation for National and Community Service.

ACTION: Request for comments.

SUMMARY: The Corporation for National and Community Service (“Corporation”) requests comments from the public on proposed changes to the Corporation’s Strategic Plan (“Plan”).

DATES: You must submit your written comments to the office listed in the **ADDRESSES** section by December 31, 1999.

ADDRESSES: Send comments to the Corporation for National Service, Gary Kowalczyk, Director, Office of Planning and Program Integration, 1201 New York Avenue NW, Washington, DC 20525.

FOR FURTHER INFORMATION CONTACT: Dana Rodgers (202) 606–5000, ext. 211. T.D.D. (202) 565–2799.

SUPPLEMENTARY INFORMATION:

Background

The Government Performance and Results Act (GPRA) requires the Corporation to update and revise its strategic plan for program activities by September 2000. The current Plan covers the years 1997–2002. It includes the Corporation’s statement of vision and mission, a description of five strategic goals with corresponding implementation steps. The Corporation designs its annual operating plans and budgets to implement the Strategic Plan.

You can get a copy of the current Plan by contacting the office listed in the Contact section of this notice. You can also find it at the Corporation’s web site, www.national-service.org.

Current Action

The Corporation seeks public comment as an initial step in revising its Strategic Plan. This Notice is the first in a series of consultations to get input from a variety of sources. We especially encourage comments from current and former participants in Corporation-funded national service programs. The Corporation is asking its own employees to comment. And the Corporation hopes to receive comments from a wide range of organizations and public bodies. These include organizations sponsoring national service programs, state commissions on national and community service, state education agencies, other state and local government entities, other volunteer

and service organizations, and the United States Congress.

Following the consultation process, the Corporation’s Chief Executive Officer will submit any revisions to the Corporation’s Board of Directors for final action. The Corporation must submit the approved revised plan to the Office of Management and Budget in September, 2000.

The Corporation is interested in any comments related to the Strategic Plan. Among the items that you might choose to comment on are:

- Whether the Corporation’s vision and mission statements remain appropriate.
- Whether the Corporation’s five strategic goals continue to provide an effective framework for national service programs.

• Specific issues related to the Corporation’s programs and their management, such as:

- Should the Plan set a specific, long-term target for the number of AmeriCorps members serving annually? If so, what should it be? What should be the mix of full-time, part-time and reduced part-time members?
- How can federal support for service-learning best be accomplished? What should be the respective roles of the Corporation and the U.S. Department of Education?
- What should the Corporation’s role be in support of the expansion of senior service opportunities?
- How can the Corporation develop additional alliances with major volunteer and service organizations?
- What is the optimal structure of the Corporation? What are the appropriate roles of the Board of Directors, the Chief Executive Officer and other key officers, and state agencies?
- What are ways that technology can best be used for furthering service opportunities?

As you comment, please provide the rationale for any suggestions and identify whether you base your thoughts on participation in, or direct observation of, national service programs and activities conducted and supported by the Corporation.

Dated: September 20, 1999.

Gary Kowalczyk,

Director, Office of Planning and Program Integration.

[FR Doc. 99–25090 Filed 9–27–99; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE**Office of the Secretary****Fall 1999 Conference Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)**

AGENCY: Department of Defense, Advisory Committee on Women in the Services.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Public Law 92-463, as amended, notice is hereby given of a forthcoming semiannual conference of the Defense Advisory Committee on Women in the Services (DACOWITS). The purpose of the Fall 1999 DACOWITS Conference is to assist the Secretary of Defense on matters relating to women in the Services. Conference sessions will be held daily and will be open to the public, unless otherwise noted below.

DATES: October 20-24, 1999.

ADDRESSES: Shelter Pointe Hotel and Marina on Shelter Island, 1551 Shelter Island Drive, San Diego, CA, 92106-3102; telephone: (800) 566-2524 or (619) 221-8000.

FOR FURTHER INFORMATION CONTACT: MAJ Susan E. Kolb, ARNG or GySgt Brenda L. Warren, USMC, DACOWITS and Military Women Matters, OASD (Force Management Policy), 4000 Defense Pentagon, Room 3D769, Washington, DC 20301-4000; telephone (703) 697-2122.

SUPPLEMENTARY INFORMATION: The following rules will govern the participation by members of the public at the conference:

(1) Members of the public will not be permitted to attend the OSD Reception and Dinner and Conference Field Trip.

(2) The Opening Session, General Session, all subcommittee sessions and the Voting Session will be open to the public.

(3) Interested persons may submit a written statement for consideration by the Committee and/or make an oral presentation of such during the conference.

(4) Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than October 13, 1999.

(5) Length and number of oral presentations to be made will depend on the number of requests received from members of the public.

(6) Oral presentations by members of the public will be permitted only on Sunday, October 24, 1999, before the full Committee.

(7) Each person desiring to make an oral presentation must provide the

DACOWITS office with one (1) copy of the presentation by October 13, 1999 and bring 175 copies of any material that is intended for distribution at the conference.

(8) Persons submitting a written statement for inclusion in the minutes of the conference must submit to the DACOWITS staff one (1) copy of the statement by the close of the conference on Sunday, October 24, 1999.

(9) Other new items from members of the public may be presented in writing to any DACOWITS member for transmittal to the DACOWITS Chair or Military Director, DACOWITS and Military Women Matters, for consideration.

(10) Members of the public will not be permitted to enter oral discussions conducted by the Committee members at any of the sessions; however, they will be permitted to reply to questions directed to them by the members of the Committee. After the official participants have asked questions and/or made comments to the scheduled speakers, members of the public will be permitted to ask questions if recognized by the Chair and if time allows.

(11) Non-social agenda events that are not open to the public are for administrative matters unrelated to substantive advice provided to the Department of Defense and do not involve DACOWITS deliberations or decision-making issues before the Committee. Conference sessions will be conducted according to the following agenda:

Wednesday, October 20, 1999

Conference Registration.
Field Trip (DACOWITS Members and Senior Military Representatives Only).
Subcommittee Rules and Procedures Meeting (DACOWITS Members Only).
Military Representatives Meeting (Military Representatives Only).
Social (Invited Guests Only).

Thursday, October 21, 1999

Breakfast (DACOWITS Members and Military Representatives Only).
Opening Session and General Session (Open to Public).
OSD Luncheon (Invited Guests Only).
Subcommittee Sessions (Open to Public).

Friday, October 22, 1999

Subcommittee Sessions (Open to Public).
Luncheon (Paid Registered Conference Participants Only).
Executive Committee Rules and Procedures Meeting (DACOWITS Members Only).
OSD Reception and Dinner (Invited Guests Only).

Saturday, October 23, 1999

Subcommittee Sessions (Open to Public).

Tri-committee Review (Open to Public).

Executive Committee Rules and Procedures Meeting (DACOWITS Members Only).

Strategic Planning Meeting (DACOWITS Members Only).

Sunday, October 24, 1999

Voting Session (Open to Public).

Dated: September 20, 1999.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99-25088 Filed 9-27-99; 8:45 am]

BILLING CODE 5001-10-M

DEPARTMENT OF DEFENSE**Office of the Secretary****Revised Non-Foreign Overseas Per Diem Rates**

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 210. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 210 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: October 1, 1999.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 209. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments

outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001-10-M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM		MAXIMUM	EFFECTIVE
	LODGING	M&IE	PER DIEM	
	AMOUNT	RATE	RATE	DATE
	(A) +	(B) =	(C)	
THE ONLY CHANGE IN CIVILIAN BULLETIN 210 IS THE ADDITION OF COLDFOOT, ALASKA.				
ALASKA				
ANCHORAGE [INCL NAV RES]				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
BARROW	115	73	188	03/01/1999
BETHEL	105	60	165	03/01/1999
CLEAR AB	80	57	137	03/01/1999
COLD BAY	110	68	178	03/01/1999
COLDFOOT	135	71	206	10/01/1999
CORDOVA	85	62	147	03/01/1998
CRAIG				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
DEADHORSE	80	67	147	03/01/1999
DENALI NATIONAL PARK				
06/01 - 08/31	115	52	167	03/01/1998
09/01 - 05/31	90	50	140	03/01/1998
DILLINGHAM	95	59	154	10/01/1998
DUTCH HARBOR-UNALASKA	110	71	181	03/01/1999
EARECKSON AIR STATION	80	57	137	03/01/1999
EIELSON AFB				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
ELMENDORF AFB				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
FAIRBANKS				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
FT. RICHARDSON				
05/01 - 09/30	161	63	224	03/01/1999
10/01 - 04/30	89	56	145	03/01/1999
FT. WAINWRIGHT				
05/15 - 09/15	118	58	176	03/01/1999
09/16 - 05/14	81	54	135	03/01/1999
GLENNALLEN	90	52	142	10/01/1998
HEALY				
06/01 - 08/31	115	52	167	03/01/1998
09/01 - 05/31	90	50	140	03/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT			RATE		
	(A)	+	(B)	=	(C)	
HOMER						
05/15 - 09/15	115		58		173	03/01/1999
09/16 - 05/14	98		57		155	03/01/1999
JUNEAU	105		68		173	03/01/1999
KAKTOVIK	175		74		249	03/01/1999
KAVIK CAMP	125		69		194	03/01/1999
KENAI-SOLDOTNA						
05/01 - 09/30	114		63		177	03/01/1999
10/01 - 04/30	76		59		135	03/01/1999
KENNICOTT	149		68		217	10/01/1998
KETCHIKAN						
05/01 - 09/30	110		74		184	03/01/1999
10/01 - 04/30	88		73		161	03/01/1999
KING SALMON	101		70		171	03/01/1999
KLAWOCK						
05/01 - 08/31	95		66		161	10/01/1998
09/01 - 04/30	79		64		143	10/01/1998
KODIAK	99		67		166	03/01/1999
KOTZEBUE						
05/01 - 08/31	137		75		212	03/01/1999
09/01 - 04/30	73		61		134	03/01/1999
KULIS AGS						
05/01 - 09/30	161		63		224	03/01/1999
10/01 - 04/30	89		56		145	03/01/1999
MCCARTHY	149		68		217	10/01/1998
METLAKATLA						
05/30 - 10/01	85		52		137	03/01/1999
10/02 - 05/29	78		51		129	03/01/1999
MURPHY DOME						
05/15 - 09/15	118		58		176	03/01/1999
09/16 - 05/14	81		54		135	03/01/1999
NOME						
03/01 - 03/31	117		58		175	03/01/1999
04/01 - 02/29	92		56		148	03/01/1999
NUIQSUT	120		69		189	03/01/1999
PETERSBURG	87		57		144	03/01/1999
POINT HOPE	130		70		200	03/01/1999
POINT LAY	105		67		172	03/01/1999
PRUDHOE BAY	80		67		147	03/01/1999
SEWARD						
05/01 - 09/30	122		65		187	03/01/1999
10/01 - 04/30	86		61		147	03/01/1999

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT			RATE		
	(A)	+	(B)	=	(C)	
SITKA-MT. EDGECOMBE						
09/05 - 03/31	83		59		142	10/01/1998
04/01 - 09/04	101		60		161	03/01/1998
SKAGWAY						
05/01 - 09/30	110		74		184	03/01/1999
10/01 - 04/30	88		73		161	03/01/1999
SPRUCE CAPE	99		67		166	03/01/1999
TANANA						
03/01 - 03/31	117		58		175	03/01/1999
04/01 - 02/29	92		56		148	03/01/1999
UMIAT	107		33		140	03/01/1999
VALDEZ						
05/15 - 10/01	110		63		173	03/01/1999
10/02 - 05/14	84		60		144	03/01/1999
WAINWRIGHT	127		82		209	03/01/1999
WRANGELL						
05/01 - 09/30	110		74		184	03/01/1999
10/01 - 04/30	88		73		161	03/01/1999
YAKUTAT	110		68		178	03/01/1999
[OTHER]	80		57		137	03/01/1999
AMERICAN SAMOA						
AMERICAN SAMOA	73		53		126	03/01/1997
GUAM						
GUAM (INCL ALL MIL INSTAL)	150		79		229	10/01/1998
HAWAII						
CAMP H M SMITH	110		61		171	10/01/1998
EASTPAC NAVAL COMP TELE AREA	110		61		171	10/01/1998
FT. DERUSSEY	110		61		171	10/01/1998
FT. SHAFTER	110		61		171	10/01/1998
HICKAM AFB	110		61		171	10/01/1998
HONOLULU NAVAL & MC RES CTR	110		61		171	10/01/1998
ISLE OF HAWAII: HILO	80		52		132	06/01/1998
ISLE OF HAWAII: OTHER	100		54		154	10/01/1998
ISLE OF KAUAI						
12/01 - 04/30	145		64		209	06/01/1999
05/01 - 11/30	115		62		177	06/01/1998
ISLE OF KURE	65		41		106	05/01/1999
ISLE OF MAUI	112		64		176	10/01/1998
ISLE OF OAHU	110		61		171	10/01/1998
KANEEOHE BAY MC BASE	110		61		171	10/01/1998
KEKAHA PACIFIC MISSILE RANGE FAC						
12/01 - 04/30	145		64		209	06/01/1999
05/01 - 11/30	115		62		177	06/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT			RATE		
	(A)	+	(B)	=	(C)	
KILAUEA MILITARY CAMP	80		52		132	06/01/1998
LUALUALEI NAVAL MAGAZINE	110		61		171	10/01/1998
NAS BARBERS POINT	110		61		171	10/01/1998
PEARL HARBOR [INCL ALL MILITARY]	110		61		171	10/01/1998
SCHOFIELD BARRACKS	110		61		171	10/01/1998
WHEELER ARMY AIRFIELD	110		61		171	10/01/1998
[OTHER]	79		62		141	06/01/1993
JOHNSTON ATOLL						
JOHNSTON ATOLL	13		9		22	10/01/1998
MIDWAY ISLANDS						
MIDWAY ISLANDS [INCL ALL MILITAR	65		41		106	05/01/1999
NORTHERN MARIANA ISLANDS						
ROTA	88		69		157	06/01/1999
SAIPAN	154		88		242	06/01/1999
[OTHER]	61		62		123	06/01/1999
PUERTO RICO						
BAYAMON						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
CAROLINA						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
FAJARDO [INCL CEIBA & LUQUILLO]	82		60		142	03/01/1998
FT. BUCHANAN [INCL GSA SVC CTR,						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
HUMACAO	82		60		142	03/01/1998
LUIS MUNOZ MARIN IAP AGS						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
MAYAGUEZ	94		60		154	06/01/1998
PONCE	101		67		168	09/01/1998
ROOSEVELT RDS & NAV STA	82		60		142	03/01/1998
SABANA SECA [INCL ALL MILITARY]						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
SAN JUAN & NAV RES STA						
04/16 - 11/14	150		70		220	04/01/1999
11/15 - 04/15	167		72		239	04/01/1999
[OTHER]	66		57		123	09/01/1998

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING		M&IE RATE	MAXIMUM PER DIEM		EFFECTIVE DATE
	AMOUNT (A)	+		=	RATE (C)	
VIRGIN ISLANDS (U.S.)						
ST. CROIX						
	04/15 - 12/14		100	73	173	08/01/1999
	12/15 - 04/14		140	77	217	08/01/1999
ST. JOHN						
	04/15 - 12/14		236	85	321	08/01/1999
	12/15 - 04/14		413	103	516	08/01/1999
ST. THOMAS						
	04/15 - 12/14		176	74	250	08/01/1999
	12/15 - 04/14		311	88	399	08/01/1999
WAKE ISLAND						
	WAKE ISLAND		60	32	92	09/01/1998



PATRICIA L. TOPPINGS
 Alternate OSD Federal Register
 Liaison Officer
 Department of Defense

22 SEP 1999

DEPARTMENT OF EDUCATION**Notice of Proposed Information Collection Requests**

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before November 29, 1999.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: September 22, 1999.

William Burrow,

*Leader, Information Management Group,
Office of the Chief Information Officer.*

Office of Student Financial Assistance Programs

Type of Review: New

Title: The Leveraging Educational Assistance Partnership (LEAP) Program

Frequency: Annually

Affected Public: State; local or Tribal Gov't, SEAs or LEAs

Reporting and Recordkeeping Burden: Responses: 56.

Burden Hours: 224.

Abstract: The LEAP Program, which was formally known as the State Student Incentive Grant Program, uses matching Federal/State funds to provide a nationwide system of grants to assist postsecondary education students with substantial financial need. On this application the states provide information the Department requires to obligate programs funds and for program management. The signed assurances legally bind the states to administer the program according to regulatory and statutory requirements.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202-4651, or should be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov, or should be faxed to 202-708-9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202-708-9266 or by e-mail at joe_schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 99-25132 Filed 9-27-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF EDUCATION**Submission for OMB Review; Comment Request**

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 28, 1999.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: September 22, 1999.

William E. Burrow,

*Leader, Information Management Group,
Office of the Chief Information Officer.*

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Application for Grants Under the Strengthening Institutions Program, American Indian Tribally Controlled Colleges and Universities Program, and Alaska Native and Native Hawaiian Serving Institutions Program.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Burden:

Responses: 500.

Burden Hours: 12,485.

Abstract: This information is required of institutions of higher education that apply for grants under the Strengthening Institutions Program, the American Indian Tribally Controlled Colleges and

Universities Program, and the Alaska Native and Native Hawaiian Serving Institutions Program, authorized under Title II, Part A of the Higher Education Act of 1965, as amended. This information will be used in the evaluation process to determine which applicants should receive grant funds.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890-0001). Therefore, this 30-day public comment notice will be the only public comment notice published for this information collection.

Written comments and requests for copies of the proposed information collection request should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202-4651, or should be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov, or should be faxed to 202-708-9346.

For questions regarding burden and/or the collection activity requirements, contact Joseph Schubart at 202-708-9266 or by e-mail at joe_schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 99-25133 Filed 9-27-99; 8:45 am]

BILLING CODE 4000-01-P

DEPARTMENT OF ENERGY

[Docket No. EA-154-A]

Application to Export Electric Energy; Niagara Mohawk Energy Marketing, Inc.

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: Niagara Mohawk Energy Marketing, Inc. (NMEM) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before October 13, 1999.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585-0350 (FAX 202-287-5736).

FOR FURTHER INFORMATION CONTACT: Ellen Russell (Program Office) 202-586-

9624 or Michael Skinker (Program Attorney) 202-586-6667.

SUPPLEMENTARY INFORMATION: On October 1, 1997, the Office of Fossil Energy (FE) of the Department of Energy (DOE) authorized Niagara Mohawk Energy Marketing, Inc.¹ to transmit electric energy from the United States to Canada as a power marketer (Order No. EA-154) using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, Minnesota Power, Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That authorization will expire on October 1, 1999.

On September 21, 1999, NMEM filed an application with FE for renewal of the export authority contained in Order No. EA-154. NMEM has requested that authorization be issued for a five-year term and that the international transmission facilities of Long Sault, Inc. be added to the list of authorized export points. DOE has provided a 15-day public comment period in response to NMEM's request for expedited processing of this application.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with § 385.211 or § 385.214 of the Federal Energy Regulatory Commission's rules of practice and procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the NMEM request to export should be clearly marked with Docket EA-154-A. Additional copies are to be filed directly with Ms. Robin R. Hope, Energy Transaction Administrator, Niagara Mohawk Energy Marketing, Inc., 507 Plum Street, Syracuse, NY 13204.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been

¹ Order No. EA-154 was issued to Plum Street Energy Marketing, Inc. On October 28, 1998, Plum Street notified DOE that it had changed its name to Niagara Mohawk Energy Marketing, Inc.

granted in FE Order EA-154. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA-154 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Regulatory Programs," then "Electricity Regulation," and then "Pending Proceedings" from the options menus.

Issued in Washington, DC, on September 22, 1999.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.

[FR Doc. 99-25185 Filed 9-27-99; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-507-000]

Amoco Energy Trading Corporation, Amoco Production Company and Burlington Resources Oil & Gas Company v. El Paso Natural Gas Company; Notice of Complaint

September 22, 1999.

Take notice that on September 21, 1999, pursuant to Rule 206 of the Commission's Rules of Practice and Procedure (18 CFR 385.206), Amoco Energy Trading Corporation and Amoco Production Company (Amoco) and Burlington Resources Oil & Gas Company (Burlington) filed a Section 5 complaint against El Paso Natural Gas Company (El Paso), requesting the Commission to require El Paso to change the manner in which it allocates firm delivery point capacity on its system.

Specifically, Amoco and Burlington request the Commission to order El Paso to cease and desist selling primary firm delivery point capacity at the Southern California Gas Company/Topock delivery point in excess of the capacity available at that point. Amoco and Burlington request that this complaint be given "Fast Track" processing, pursuant to Rule 206(h).

Any person desiring to be heard or to protest this filing should file a motion to intervene or protests with the Federal

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 October 12, 1999. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222) for assistance. Answers to the complaint regarding Amoco's and Burlington's request to delay the open season shall be due on or before September 27, 1999. Answers to the complaint on the merits of the remaining issues shall be due on or before October 12, 1999.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-25121 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98-206-005]

Atlanta Gas Light Company; Notice of Technical Conference

September 22, 1999.

In the Commission's order issued on July 30, 1999, the Commission directed that a technical conference be held to address various issues related to Atlanta Gas Light Company's need for waivers of the Commission's policies and regulations in order to implement its retail unbundling program.

Take notice that the technical conference will be held on Wednesday, October 20, 1999, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-25120 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER97-1523-012, OA97-470-011 and ER97-4234-009 (not consolidated)]

Central Hudson Gas & Electric Corporation, Consolidated Edison Company of New York, Inc., Long Island Lighting Company, New York State Electric & Gas Corporation, Niagara Mohawk Power Corporation, Orange & Rockland Utilities, Inc., Rochester Gas & Electric Corp., Power Authority of the State of New York, New York Power Pool; Notice of Filing

September 22, 1999.

Take notice that on September 17, 1999, the New York Independent System Operator, Inc. (NYISO) submitted additional materials to supplement its detailed proposal for an installed capacity auction.

The NYISO requests an effective date of September 22, 1999.

A copy of this filing was served upon all persons on the Commission's official service lists in Docket Nos. ER97-1523-000, OA97-470-000 and ER97-4234-000 (not consolidated), and the respective electric utility regulatory agencies in New York, New Jersey and Pennsylvania.

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 and protests should be filed on or before September 28, 1999. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-25104 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP96-152-019]

Kansas Pipeline Company; Notice of Revised Tariff Filing

September 22, 1999.

Take notice that on September 17, 1999, Kansas Pipeline Company (KPC) tendered for filing a revision to its FERC Gas Tariff, Original Volume No. 1, to be effective May 11, 1998. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for assistance).

The revised sheet is KPC's Third Substitute Original Sheet No. 16A. KPC states that the tariff sheet incorporates changes directed by the Commission's August 26, 1999, Order in the above-captioned proceeding (88 FERC ¶ 61,192 (1999)). KPC further states that a copy of this filing is available for public inspection during regular business hours at KPC's offices at 8325 Lenexa Drive, Lenexa, Kansas. The contact person for this filing is Mr. James Armstrong at (913) 888-7139. It is also indicated that copies of this filing are being served on all parties of record in Docket No. CP96-152.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest on or before September 29, 1999, with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC 20426, in accordance with Sections 385.214 and 385.211 of the Commission's Rules and 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 proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99-25119 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. CP99-623-000]

K N Interstate Gas Transmission Co.; Notice of Request Under Blanket Authorization

September 22, 1999.

Take notice that on September 15, 1999, K N Interstate Gas Transmission Co. (KNI), Post Office Box 281304, Lakewood, Colorado 80228-8304, filed in Docket No. CP99-623-000 a request pursuant to Sections 157.205, and 157.216, of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.216) for authorization to abandon a delivery point and delivery lateral located in Johnson County, Kansas under KNI's blanket certificate issued in Docket No. CP83-140-000 and CP83-140-001 pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (please call (202) 208-0400 for assistance).

KNI states that upon approval of the authorization requested, the subject delivery lateral will be abandoned, by sale, to ONEOK, Inc. dba Kansas Gas Service (KGS) and the delivery point will be abandoned at its current site and relocated upstream of said lateral at the new point of interconnection between the pipeline facilities of KNI and KGS. KGS has been the only customer served through the subject facilities since their construction. KNI also states that the new delivery point will be constructed under the self implementing authority under Section 157.211 of the Commission's Regulations.

Any questions regarding this application should be directed to Richard E. Kaup at (303) 763-3558, Director, Certificates, Post Office Box 281304, Lakewood, Colorado, 80228-8304.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a

protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

David P. Boergers,*Secretary.*

[FR Doc. 99-25105 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-455-001]

Koch Gateway Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Koch Gateway Pipeline Company (Koch) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, to become effective September 1, 1999:

Substitute Second Revised Sheet No. 3704
Substitute First Revised Sheet No. 3705
Substitute Original Sheet No. 3706
Substitute Original Sheet No. 3707
Substitute Original Sheet No. 3708

Koch states that it filed the above referenced tariff sheets in compliance with the Commission's Order Accepting Tariff Sheets, Subject to Conditions, issued on August 31, 1999, in Docket No. RP99-455. The proposed tariff changes will allow for the creation of an interactive auction for Koch's Firm Storage Service Right of First Refusal process.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-25113 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-450-001]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective September 1, 1999.

Natural states that the purpose of this filing is to comply with the Commission's Order issued August 31, 1999 at Docket No. RP99-450-000 (August 31st Order).

Natural requests waiver of the Commission's Regulations to the extent necessary to permit the tariff sheets submitted to become effective September 1, 1999, consistent with the August 31st Order.

Natural states that copies of the filing are being mailed to its customers, interested state regulatory agencies and all parties set out on the official service list at Docket No. RP99-450.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-25112 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP96-347-017]

Northern Natural Gas Company; Notice of Tariff Filing

September 22, 1999.

Take notice that on September 17, 1999, pursuant to the Carlton Settlement in Docket No. RP96-347, Northern Natural Gas Company (Northern) has tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, Third Revised Sheet No. 263H and Second Revised Sheet No. 263H.1 to reflect the Sourcers' flow obligation after the Appendix B customers' year 4 election to source or buyout. The tariff sheets has an effective date of November 1, 1999.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

[FR Doc. 99-25110 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP98-203-008]

Northern Natural Gas Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Northern Natural Gas Company (Northern) tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1 and Original Volume No.

2, the following tariff sheets to be effective November 1, 1999:

Fifth Revised Volume No. 1

Third Revised Sheet No. 1
Fourth Revised Sheet No. 2
49 Revised Sheet No. 50
49 Revised Sheet No. 51
19 Revised Sheet No. 52
45 Revised Sheet No. 53
Sixteenth Revised Sheet No. 59
Original Sheet No. 59A
Nineteenth Revised Sheet No. 60
Original Sheet No. 60A
Fourth Revised Sheet No. 135D
Third Revised Sheet No. 141
Third Revised Sheet No. 142
Seventh Revised Sheet No. 144
Fourth Revised Sheet No. 147
Second Revised Sheet No. 153
Third Revised Sheet No. 154
First Revised Sheet No. 156
Original Sheet No. 157
Original Sheet No. 158
Fourth Revised Sheet No. 206
Second Revised Sheet No. 213
Second Revised Sheet No. 216
Fifth Revised Sheet No. 259
Second Revised Sheet No. 285
First Revised Sheet No. 459
Original Sheet No. 460
Original Sheet No. 461
First Revised Sheet No. 510

Original Volume No. 2

157 Revised Sheet No. 1C
34 Revised Sheet No. 1C.a

Northern states that the above-listed tariff sheets are filed in compliance with the Commission's Letter Order issued June 18, 1999 approving the Stipulation and Agreement of Settlement filed by Northern on April 16, 1999 in Docket Nos. RP98-203, et al.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/>

rims.htm (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

[FR Doc. 99-25111 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-494-001]

Northwest Pipeline Corporation; Notice of Tariff Filing

September 22, 1999.

Take notice that on September 10, 1999, Northwest Pipeline Corporation (Northwest) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Third Revised Sheet No. 233, with an effective date of October 1, 1999.

Northwest states that the purpose of this filing is to add language to a tariff sheet that was filed on August 30, 1999, in this docket pertaining to imbalances and penalties for a receiving party that has executed an OBA with Northwest.

Northwest states that a copy of the filing has been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,
Secretary.

[FR Doc. 99-25116 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP99-465-001]

PG&E Gas Transmission, Northwest Corporation; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 17, 1999, PG&E Gas Transmission, Northwest Corporation (PG&E GT-NW) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1-A, Substitute Third Revised Sheet No. 139, with an effective date of September 6, 1999.

PG&E GT-NW states that these tariff sheets are filed in compliance with the Commission's September 3, 1999 Letter Order in Docket No. RP99-465-000.

PG&E GT-NW further states that a copy of this filing has been served on PG&E GT-NW's jurisdictional customers, interested state regulatory agencies and all parties on the Commission's official service list for this proceeding.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-25115 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. GT99-68-001]

Tennessee Gas Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

September 22, 1999.

Take notice that on September 15, 1999, Tennessee Gas Pipeline Company

(Tennessee), tendered for filing and Commission approval: (1) a transmittal letter and (2) Sixth Revised Sheet No. 413 of Tennessee's FERC Gas Tariff, Fifth Revised Volume No. 1. Tennessee requests an effective date of September 1, 1999 for the revised tariff sheet.

Tennessee states that Sixth Revised Sheet No. 413 is in reference to a Gas Transportation Agreement between Tennessee and Pemex Gas y Petroquímica Básica which was filed on August 31, 1999 in the above-referenced docket as a non-conforming service agreement. Tennessee further states that it is submitting the subject transmittal letter and Sixth Revised Sheet No. 413 to ensure a complete record in Docket No. GT99-68.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-25106 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP96-312-018]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 22, 1999.

Take notice that on September 8, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing a Letter Agreement providing three (3) Negotiated Rate Arrangements. Tennessee requests that the Commission approve the Negotiated Rate Arrangements by October 15, 1999 to be effective November 1, 1999.

Tennessee states that the filed Negotiated Rate Arrangements reflect a negotiated rate between Tennessee and the City of Holyoke Gas & Electric Department (Holyoke) for transportation

and storage service, as applicable, under various firm transportation and storage service agreements for five (5) year period with each to be effective beginning November 1, 1999. Tennessee requests confidential treatment of the letter agreement.

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 on or before September 24, 1999. 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,*Secretary.*

[FR Doc. 99-25108 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY**Federal Energy Regulatory Commission**

[Docket No. RP96-312-019]

Tennessee Gas Pipeline Company; Notice of Negotiated Rate Filing

September 22, 1999.

Take notice that on September 8, 1999, Tennessee Gas Pipeline Company (Tennessee) tendered for filing three firm service agreements and a description of the essential conditions involved in agreeing to three (3) Negotiated Rate Arrangements. The filing also included an August 3, 1999 Contract Restructuring Letter Agreement for which Tennessee requested confidential treatment. Tennessee requests that the Commission approve the Negotiated Rate Arrangements by October 15, 1999 to be effective November 1, 1999.

Tennessee states that the filed Negotiated Rate Arrangements reflect a negotiated rate between Tennessee and EnergyNorth Natural Gas Inc. (EnergyNorth) for transportation and storage service, as applicable, under various firm transportation and storage service agreements for a four (4) or five (5) year period with each to be effective beginning November 1, 1999.

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 September 24, 1999. 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-25109 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-456-001]

Transwestern Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 15, 1999, Transwestern Pipeline Company (Transwestern), tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following sheets to be effective September 1, 1999.

Substitute Original Sheet No. 20A

Substitute Original Sheet No. 20E

Substitute Original Sheet No. 115

Second Revised Sheet No. 116B

Second Revised Sheet No. 116C

Transwestern states that this filing is made to comply with the Commission's August 31, 1999 order accepting, subject to conditions, the tariff sheets filed by Transwestern in this proceeding, and to make conforming changes to the Form of Service Agreement (Form D) for capacity release transactions related to LFT.

Transwestern states that copies of the filing were served upon Transwestern's customers and interested State Commission.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-25114 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-503-001]

Transwestern Pipeline Company; Notice of Compliance Filing

September 22, 1999.

Take notice that on September 16, 1999, Transwestern Pipeline Company (Transwestern), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheet, proposed to be effective October 11, 1999:

Second Revised Sheet No. 37A

On September 10, 1999, Transwestern filed in this Docket a proposed service allowing Transwestern to contract for services on PG&E's Market Center. The reason for this filing is to comply with the Commission's September 15 order in this Docket requiring Transwestern to refile Sheet No. 37A to correct pagination duplication. No changes were made to the content of the sheet.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

rims.htm (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-25117 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PR99-20-000]

Vidor Pipeline Company; Notice of Petition for Rate Approval

September 22, 1999.

Take notice that on September 7, 1999, Vidor Pipeline Company (Vidor) filed pursuant to section 284.123(b)(2) of the Commission's regulations, a petition for rate approval requesting that the Commission approve as fair and equitable a cost-justified rate, not to exceed \$0.06 per MMBtu for interruptible transportation service performed under section 311(a)(2) of the Natural Gas Policy Act of 1978.

The petition for rate approval is filed pursuant to the Order Denying Adjustment issued by the Office Director on August 6, 1999, (88

FERC ¶ 62,111 (1999)) under Docket No. SA99-15-000. The order directed Vidor to file a petition for rate approval within 30 days of the date of the order.

Pursuant to Section 284.123(b)(2)(ii), if the Commission does not act within 150 days of the filing date, the proposed rates will be deemed fair and equitable and not in excess of an amount which interstate pipelines would be permitted to charge for similar transportation service. The Commission may, prior to the expiration of the 150-day period, extend the time for action or institute a proceeding to afford parties an opportunity for written comments and for the oral presentations of views, data, and arguments.

Any person desiring to participate in this rate proceeding must 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 Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All motions must be filed with the Secretary of the Commission on or before October 7, 1999. The petition for rate approval is on the file with the Commission and is available for public inspection. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-25107 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99-504-000]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

September 22, 1999.

Take notice that on September 17, 1999, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with the proposed effective date of October 17, 1999:

First Revised Sheet No. 246

Second Revised Sheet No. 248

Williams states that the purpose of the instant filing is to propose certain revisions and clarifications pertaining to operational flow orders (OFOs). Section 10.2(a), Storage injections and withdrawals, does not specifically state that an OFO can be issued when a Shipper's storage balance is almost exhausted or a Shipper's balance is close to its MSQ. Williams has added language to Section 10.2 to provide this additional clarification.

Section 10.3, Failure to Comply with Operational Flow Orders, does not provide for OFO penalty credits in the event no party was harmed as a result of failure to comply with an OFO. Williams is adding language to state that if all Shippers and Point Operators receive their gas, the payments for OFO penalties will be credited to Shippers or Point Operators who complied with the OFO or, if all parties subject to the OFO violate the terms, Williams will file to propose a method of distribution of penalty revenue.

Williams states that a copy of its filing was served on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this 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 as provided in 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 in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99-25118 Filed 9-27-99; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6444-9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, Standards of Performance for New Stationary Sources Hot Mix Asphalt Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NSPS Subpart I, Standards of Performance for New Stationary Sources—Hot Mix Asphalt Facilities, OMB Control Number 2060-0083 expiration date January 31, 2000. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA by phone at (202) 260-2740, by E-Mail at Farmer.Sandy@epamail.epa.gov or download a copy of the ICR off the Internet at <http://www.epa.gov/icr> and refer to EPA ICR No. 1127.06.

SUPPLEMENTARY INFORMATION:

Title: NSPS Subpart I, Standards of Performance for New Stationary Sources—Hot Mix Asphalt Facilities, OMB Control Number 2060-0083, EPA ICR No. 1127.06, expiration date January 31, 2000. This is a request for extension of a currently approved collection.

Abstract: Owners/operators of hot mix asphalt facilities must notify EPA of construction, modification, or

reconstruction of a new or existing facility and submit a notification and the results of an initial performance test. In addition, a facility subject to this NSPS must record any startups, shutdowns or malfunctions and maintain these records on-site for two years. The only type of industry costs associated with the information collection activity in the standards are labor costs. In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and recordkeeping is necessary. In the absence of such information, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on June 4, 1999 (64 FR 30011); no comments were received.

Burden Statement: The initial burden regarding notifications (40 CFR 60.7) and performance testing (40 CFR 60.8) for a new source subject to this subpart is estimated to average 40.6 hours. The annual public reporting and recordkeeping burden for this collection of information on existing facilities is estimated to average 34 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners/Operators of hot mix asphalt facilities.

Estimated Number of Respondents: 3290.

Frequency of Response: Initial.

Estimated Total Annual Hour Burden: 6,890 hours.

Estimated Total Annualized Capital, O&M Cost Burden: \$0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1127.06 and OMB Control No. 2060-0083 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Policy, Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460;
and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503.

Dated: September 22, 1999.

Richard T. Westlund,

Acting Director, Regulatory Information Division.

[FR Doc. 99-25135 Filed 9-27-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6445-1]

Acid Rain NO_x Emission Reduction Program—Permit Modification for Alternative Emission Limitation

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of draft permit modification adopting alternative emission limitation.

SUMMARY: Under Title IV of the Clean Air Act, EPA established the Acid Rain NO_x Emission Reduction Program to reduce the adverse effects of acidic deposition. EPA adopted nitrogen oxides (NO_x) emission limits and issued permits to affected sources. EPA is issuing and requesting public comment on a draft Acid Rain permit modification. The permit modification adds to a permit an Alternative Emission Limitation for NO_x emissions for a Phase I unit in accordance with the Acid Rain Program regulations. The Alternative Emission Limitation is less stringent than the standard limit for this type of unit but is the minimum rate that the unit can achieve during long-term dispatch operation.

DATES: *Comments.* EPA must receive comments on this action on or before

the later of October 28, 1999, or 30 days after the date on which a similar notice is published in a local newspaper.

Public Hearing. Anyone requesting a public hearing on this action must contact the EPA by the later of October 5, 1999, or 7 days after the date on which a similar document is published in a local newspaper.

ADDRESSES: *Comments.* Send comments, requests for a public hearing, and requests to receive notice of future actions to EPA Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, IL 60604-3507, Attn: Beth Valenziano (AR-18J). Submit comments in duplicate and identify the permit to which the comments apply, the commenter's name, address, and telephone number, and the commenter's interest in the matter and affiliation, if any, to the owners and operators of the unit involved.

Hearings. To request a public hearing, state the issues proposed to be raised in the hearing. EPA may schedule a hearing if EPA finds that it will contribute to the decision-making process by clarifying significant issues affecting the draft permit modification.

Administrative Records. The administrative record for the draft permit modification, except information protected as confidential, may be viewed during normal operating hours at the following location: EPA Region 5, 77 West Jackson Boulevard, 18th floor, Chicago, IL.

FOR FURTHER INFORMATION CONTACT: Beth Valenziano, EPA Region 5, (312) 886-2703.

SUPPLEMENTARY INFORMATION: In today's action, EPA is issuing and requesting public comment on a draft permit modification that adds to a permit an Alternative Emission Limitation for NO_x emissions for a Phase I unit in accordance with parts 72 and 76 of the Acid Rain Program regulations. EPA will consider all timely comments, except those pertaining to standard provisions under 40 CFR 72.9 or issues not relevant to the draft permit modification. The unit involved, J.H. Campbell, Unit 1, is in Ottawa County, Michigan and will be required to meet an annual average emissions limit for NO_x of 0.49 lb/mmBtu, instead of the otherwise applicable standard limit of 0.45 lb/mmBtu. The unit's designated representative is Robert A. Fenech.

Dated: September 22, 1999.

Brian J. McLean,

Director, Acid Rain Division, Office of Atmospheric Programs, Office of Air and Radiation.

[FR Doc. 99-25136 Filed 9-27-99; 8:45 am]

BILLING CODE 6560-50-U

ENVIRONMENTAL PROTECTION AGENCY

[FRL-6445-9]

Gulf of Mexico Program Management Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Under the Federal Advisory Act, Public Law 92463, EPA gives notice of a meeting of the Gulf of Mexico Program (GMP) Management Committee (MC).

DATES: The MC meeting will be held on Wednesday, October 27, 1999 from 8:30 a.m. to 5:00 p.m. and on Thursday, October 28, 1999 from 8:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Victorian Condo Hotel & Conference Center, Galveston, Texas (409) 740-3555.

FOR FURTHER INFORMATION CONTACT: Gloria D. Car, Designated Federal Officer, Gulf of Mexico Program Office, Building 1103, Room 202, Stennis Space Center, MS 39529-6000 at (228) 688-2421.

SUPPLEMENTARY INFORMATION: Proposed agenda items will include: Review and Discussion of Proposed GMP Objectives, Sub-objectives, and Annual Performance Goals, Review GMP Workplan for FY1999-FY2000, Overview of Mercury Contamination Issues in the Gulf of Mexico, and Program Updates.

The meeting is open to the public.

Dated: September 22, 1999.

James D. Giattina,

Director, Gulf of Mexico Program Office.

[FR Doc. 99-25160 Filed 9-27-99; 8:45 am]

BILLING CODE 6560-50-U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

September 21, 1999.

SUMMARY: The Federal Communications Commissions, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. An agency may not conduct or sponsor a collection of information unless it

displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before October 28, 1999. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1-A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418-0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0714.

Title: Antenna Registration Number Required as Supplement to Application Forms.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Individuals or households; Not-for-profit institutions; Federal Government; and State, Local, or Tribal Government.

Number of Respondents: 516,000.

Estimate Time Per Response: 5 minutes.

Frequency of Response: On occasion reporting requirements.

Total Annual Burden: 43,344 hours.

Total Annual Costs: None.

Needs and Uses: Effective July 1, 1996, the current antenna clearance procedures were replaced with a uniform registration procedure that applied to antenna structure owners. Structure owners receive an Antenna Structure Registration Number, which is a unique number that identifies an antenna structure. Once obtained, this

number must be used on all filings related to the antenna structure. The Commission requires this Registration Number to be submitted with any of the applications for licensing. This clearance is required in order to allow time for the Commission to update its application forms to include collection of Antenna Structure Registration Number. While we have accomplished this task, we continue to accept older version so the forms with the registration number as an attachment, merely as a customer convenience until radio services are fully implemented in ULS.

OMB Control Number: 3060-0850.

Title: Quick-Form Application for Authorization in the Ship, Aircraft, Amateur, Restricted, and Commercial Operator, and General Mobile Radio Services.

Type of Review: Revision of a currently approved collection.

Respondents: Individuals or households; Business or other for-profit entities; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 170,000.

Estimate Time Per Response: 0.44 hours.

Frequency of Response: Weekly reporting requirement; Third party disclosure.

Total Annual Burden: 74,800 hours.

Total Annual Costs: \$2,261,000.

Needs and Uses: FCC 605 application is a consolidated application form for Ship, Aircraft, Amateur, Restricted and Commercial Radio Operators, and General Mobile Radio Services, and will be utilized as part of the Universal Licensing System currently under development. The data collected on this form include the applicant's Taxpayer Identification Number; however, this information will be redacted from public view. The form is being revised to provide for development licensing, military addresses, foreign addresses, and compulsory vessel four letters all signs. In addition, instructions are being revised to clarify filings for Special Temporary Authority (STAs), filing Proof of Passing Certificates for Commercial Operators, and submitting photographs for Commercial Operator T1, T2, and T3 permits. The collection also requests approval for collection of Trustee Primary Station Call Sign, Applicant Classification, and a club administrator signature when application is submitted via batch file for Amateur clubs.

OMB Control Number: 3060-XXXX.

Title: Part 18, Regulations for RF Lighting Devices, Section 18.307, OET Docket No. 98-42.

Type of Review: New collection.

Respondents: Individuals or households; Business or other for-profit entities; and Not-for-profit institutions.

Number of Respondents: 30.

Estimate Time Per Response: 1 hour.

Frequency of Response: On occasion reporting requirement; Third party disclosure.

Total Annual Burden: 30 hours.

Total Annual Costs: \$2,250.

Needs and Uses: The Third Party requirements are made necessary by Section 18.307 of the Commission's Rules governing regulations for radio frequency (RF) lighting devices. The Commission will require that manufacturers of RF lighting devices must provide an advisory statement either on the product packaging or with other user documentation, similar to the following: This product may cause interference to radio equipment and should not be installed near maritime safety communications equipment or critical navigational or communications equipment operating between 0.45-30 MHz.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99-25146 Filed 9-27-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 96-98; DA 99-1894]

New Hampshire Public Utilities Commission's Petition Requesting Additional Authority To Implement Number Optimization Measures in the 603 Area Code

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: On October 15, 1999, the Commission released a public notice requesting public comment on a petition from the New Hampshire Public Utilities Commission ("Petition") requesting additional authority to implement number optimization measures in the 603 area code. The intended effect of this action is to make the public aware of, and to seek public comment on, this request.

DATES: Comments are due by October 5, 1999, and reply comments are due by October 15, 1999.

FOR FURTHER INFORMATION CONTACT: Jared Carlson at (202) 418-2320 or jcarlson@fcc.gov. The address is: Network Services Division, Common Carrier Bureau, Federal

Communications Commission, The Portals, 445 12th Street, S.W., Suite 6-A320, Washington, D.C. 20554. The fax number is: (202) 418-2345. The TTY number is: (202) 418-0484.

SUPPLEMENTARY INFORMATION: On September 28, 1998, the Federal Communications Commission ("Commission") released an order in the matter of a Petition for Declaratory Ruling and Request for Expedited Action on the July 15, 1997 Order of the Pennsylvania Public Utility Commission Regarding Area Codes 412, 610, 215, and 717, and Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, *Memorandum Opinion and Order and Order on Reconsideration*, FCC 98-224, CC Docket No. 96-98, NSD File No. L-97-42, 63 FR 63613 (rel. September 28, 1998) ("Pennsylvania Numbering Order"). The Pennsylvania Numbering Order delegated additional authority to state public utility commissions to order NXX code rationing, under certain circumstances, in jeopardy situations and encouraged state commissions to seek further limited delegations of authority to implement other innovative number conservation methods.

The New Hampshire Public Utilities Commission ("NHPUC") has filed a request for additional delegation of authority to implement number optimization measures in their state. See *Common Carrier Bureau Seeks Comment on the New Hampshire Public Utilities Commission's Petition for Delegation of Additional Authority to Implement Number Optimization Measures in the 603 Area Code*, *Public Notice*, NSD File No. L-99-71, DA 99-1894 (rel. September 15, 1999).

The additional authority sought by the NHPUC relates to issues under consideration in the *Numbering Resource Optimization Notice*. See *Numbering Resource Optimization, Notice of Proposed Rulemaking*, CC Docket No. 99-200, FCC 99-122, 64 FR 32471 (rel. June 2, 1999). Because the NHPUC faces immediate concerns regarding the administration of number resources in New Hampshire, we find it to be in the public interest to address this petition as expeditiously as possible, prior to completing the rulemaking proceeding.

We hereby seek comment on the issues raised in the NHPUC's petition for delegated authority to implement various area code conservation measures. A copy of this petition will be available during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Suite CY-A257,

Washington, D.C. 20554, (202) 418-0270.

Interested parties may file comments concerning these matters on or before October 5, 1999, and reply comments on or before October 15, 1999. All filings must reference NSD File Number L-99-71 and CC Docket 96-98. Send an original and four copies to the Commission Secretary, Magalie Roman Salas, Portals II, 445 12th Street, S.W., Suite TW-A325, Washington, D.C. 20554 and two copies to Al McCloud, Network Services Division, Portals II, 445 12th Street, S.W., Suite 6A-320, Washington, D.C. 20554.

Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <<http://www.fcc.gov/e-file/ecfs.html>>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.

This is a "permit but disclose" proceeding for purposes of the Commission's *ex parte* rules. See generally 47 CFR 1.1200-1.1216. As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in 1.1206 of the Commission's rules applicable to non-restricted proceedings. 47 CFR 1.1206.

Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b)(2). Other rules pertaining to oral and written presentations are set forth in 1.1206(b) as well. For further information contact

Jared Carlson of the Common Carrier Bureau, Network Services Division, at (202) 418-2320 or jcarlson@fcc.gov. The TTY number is (202) 418-0484.

Federal Communications Commission.

Kurt A. Schroeder,

*Acting Chief, Network Services Division,
Common Carrier Bureau.*

[FR Doc. 99-25151 Filed 9-27-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice and request for comment.

SUMMARY: The FDIC, 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 (44 U.S.C. chapter 35). Currently, the FDIC is soliciting comments concerning an information collection titled "Purchaser Eligibility Certification."

DATES: Comments must be submitted on or before November 29, 1999.

ADDRESSES: Interested parties are invited to submit written comments to Steven F. Hanft, Assistant Executive Secretary (Regulatory Analysis), (202) 898-3907, Office of the Executive Secretary, Room 4062, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street N.W., Washington, D.C. 20429. All comments should refer to "Purchaser Eligibility Certification." Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m. [FAX number (202) 898-3838; Internet address: comments@fdic.gov].

A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Alexander Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Steven F. Hanft, at the address identified above.

SUPPLEMENTARY INFORMATION:
Title: Purchaser Eligibility Certification.

Affected Public: Potential purchasers of assets of failed financial institutions sold by the FDIC.

Estimated Number of Respondents (annual): 1800.

Frequency of Response: Occasional.

Estimated Number of responses (annual): 2500.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden: 1250 hours.

General Description of Collection: A potential purchaser of assets from failed financial institutions would certify that it is not subject to a restriction on the purchase of the assets, such as those contained in proposed rule 12 CFR part 340, Restrictions on the Purchase of Assets from the Federal Deposit Insurance Corporation, 64 FR 51084 (September 21, 1999) or other, related FDIC rules and policies.

Request for Comment

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collection, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

At the end of the comment period, the comments and recommendations received will be analyzed to determine the extent to which the collection should be modified prior to submission to OMB for review and approval. Comments submitted in response to this notice also will be summarized or included in the FDIC's request to OMB for approval of this collection. All comments will become a matter of public record.

Dated at Washington, D.C., this 22nd day of September, 1999.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 99-25153 Filed 9-27-99; 8:45 am]

BILLING CODE 6714-01-U

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3148-EM]

New Jersey; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New Jersey (FEMA-3148-EM), dated September 17, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 17, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of New Jersey, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of New Jersey.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act, as you may deem appropriate.

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.

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 Peter Martinasco of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New Jersey to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Bergen, Essex, Mercer, Middlesex, Morris, Passaic, Somerset, Sussex, and Union. (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)

James L. Witt,

Director.

[FR Doc. 99-25169 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1295-DR]

New Jersey; 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 New Jersey (FEMA-1295-DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery

Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the State of New Jersey, resulting from Hurricane Floyd on September 16, 1999, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New Jersey.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Peter Martinasco 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 New Jersey to have been affected adversely by this declared major disaster:

The counties of Bergen, Passaic, Somerset, Essex, Middlesex and Mercer for Individual Assistance and Public Assistance.

All counties within the State of New Jersey 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)

James L. Witt,

Director.

[FR Doc. 99-25174 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3149-EM]

New York; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of New York (FEMA-3149-EM), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of New York, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of New York.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including

direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under Title V of the Stafford Act, as you may deem appropriate.

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.

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 Marianne Jackson of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of New York to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Orange, Putnam, Rockland, and Westchester. (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)

James L. Witt,

Director.

[FR Doc. 99-25170 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-1296-DR]****New York; 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 New York
(FEMA-1296-DR), dated September 19,
1999, and related determinations.**EFFECTIVE DATE:** September 19, 1999.**FOR FURTHER INFORMATION CONTACT:**
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3772.**SUPPLEMENTARY INFORMATION:** Notice is
hereby given that, in a letter dated
September 19, 1999, the President
declared a major disaster under the
authority of the Robert T. Stafford
Disaster Relief and Emergency
Assistance Act (42 U.S.C. 5121 *et seq.*),
as follows:

I have determined that the damage in certain areas of the State of New York, resulting from Hurricane Floyd on September 16, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs. Other categories under the Public Assistance program may be added at a later date, if warranted.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of

the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Marianne Jackson 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 New York to have been affected adversely by this declared major disaster:

Orange, Putnam, Rockland, and Westchester Counties for Individual Assistance and debris removal (Category A) and emergency protective measures (Category B) under the Public Assistance Program.

All counties within the State of New York 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)

James L. Witt,*Director.*

[FR Doc. 99-25171 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-3146-EM]****North Carolina; Emergency and
Related Determinations****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice.**SUMMARY:** This is a notice of the
Presidential declaration of an
emergency for the State of North
Carolina (FEMA-3146-EM), dated
September 15, 1999, and related
determinations.**EFFECTIVE DATE:** September 15, 1999**FOR FURTHER INFORMATION CONTACT:**
Madge Dale, Response and Recovery
Directorate, Federal Emergency
Management Agency, Washington, DC
20472, (202) 646-3772.**SUPPLEMENTARY INFORMATION:** Notice is
hereby given that, in a letter dated
September 15, 1999, the President
declared an emergency under the
authority of the Robert T. Stafford
Disaster Relief and Emergency
Assistance Act (42 U.S.C. 5121 *et seq.*),
as follows:

I have determined that the emergency conditions in certain areas of the State of North Carolina, resulting from Hurricane Floyd on September 15, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of North Carolina.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

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.

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 Glenn C. Woodard, Jr. of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State of North Carolina to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Alamance, Anson, Beaufort, Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Chatham, Chowan, Columbus, Craven, Cumberland, Currituck, Dare, Davidson, Duplin, Durham, Edgecombe, Forsyth, Franklin, Gates, Granville, Greene, Guilford, Halifax, Harnett, Hertford, Hoke, Hyde, Johnston, Jones, Lee, Lenoir, Martin, Montgomery, Moore, Nash, New Hanover, Northampton, Onslow, Orange, Pamlico, Pasquotank, Pender, Perquimans, Person, Pitt, Randolph, Richmond, Robeson, Rockingham, Rowan, Sampson, Scotland, Stanly, Stokes, Tyrrell, Union, Vance, Wake, Warren, Washington, Wayne, and Wilson.

(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)

James L. Witt,

Director.

[FR Doc. 99-25168 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1294-DR]

Pennsylvania; 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 Commonwealth of Pennsylvania (FEMA-1294-DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania, resulting from Hurricane Floyd on September 16, 1999 and continuing, is of sufficient severity and magnitude to

warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a major disaster exists in the Commonwealth of Pennsylvania

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, and assistance for debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance under Public Assistance, and Hazard Mitigation in the designated areas and other categories of assistance under the Public Assistance 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.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Jack Schuback 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 Commonwealth of Pennsylvania to have been affected adversely by this declared major disaster:

The counties of Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, and York for Individual Assistance.

The counties of Bucks, Chester, Delaware, Lancaster, Montgomery, Philadelphia, and York for debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance under the Public Assistance program.

All counties within the Commonwealth of Pennsylvania 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)

James L. Witt,

Director.

[FR Doc. 99-25173 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-3145-EM]

South Carolina; Amendment No. 1 to Notice of an Emergency

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of South Carolina (FEMA-3145-EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: September 17, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, effective this date and pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Lawrence L. Bailey of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

This action terminates my appointment of Robert J. Adamcik as Federal Coordinating Officer for this emergency.

(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)

James L. Witt,

Director.

[FR Doc. 99-25167 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-3145-EM]****South Carolina; Emergency and
Related Determinations****AGENCY:** Federal Emergency
Management Agency (FEMA).**ACTION:** Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of South Carolina (FEMA-3145-EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: September 15, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 15, 1999, the President declared an emergency under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the emergency conditions in certain areas of the State of South Carolina, resulting from Hurricane Floyd on September 14, 1999, and continuing is of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such an emergency exists in the State of South Carolina.

You are authorized to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to identify, mobilize, and provide at your discretion, equipment and resources necessary to alleviate the impacts of the emergency. I have further authorized debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding. This assistance excludes regular time costs for subgrantees regular employees. In addition, you are authorized to provide such other forms of assistance under the Stafford Act, as you may deem appropriate.

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.

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 Robert J. Adamcik of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared emergency.

I do hereby determine the following areas of the State South Carolina to have been affected adversely by this declared emergency:

FEMA intends to coordinate all disaster relief efforts which have the purpose of alleviating the hardship and suffering caused by the emergency on the local population, and to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act to save lives, protect property and public health and safety, or to lessen or avert the threat of a catastrophe in the designated areas. Specifically, FEMA is authorized to identify, mobilize, and provide at its discretion, equipment and resources necessary to alleviate the impacts of the emergency. FEMA is further authorized to provide debris removal (Category A) and emergency protective measures (Category B) including direct Federal assistance, at 75 percent Federal funding.

This assistance is for the counties of Allendale, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Chesterfield, Clarendon, Colleton, Darlington, Dillon, Dorchester, Florence, Georgetown, Hampton, Horry, Jasper, Kershaw, Lee, Lexington, Marion, Marlboro, Orangeburg, Richland, Sumter, and Williamsburg.

(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)

James L. Witt,*Director.*

[FR Doc. 99-25172 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

**FEDERAL EMERGENCY
MANAGEMENT AGENCY****[FEMA-1293-DR]****Commonwealth of Virginia; 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 Commonwealth of Virginia (FEMA-1293-DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 18, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 18, 1999, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*), as follows:

I have determined that the damage in certain areas of the Commonwealth of Virginia, resulting from Hurricane Floyd beginning on September 13, 1999, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended ("the Stafford Act"). I, therefore, declare that such a disaster exists in the Commonwealth of Virginia.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint Mr. Robert J. Gunter 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 Commonwealth of Virginia to have been affected adversely by this declared major disaster:

The City of Franklin, City of Hampton, City of Portsmouth, City of Newport News, City of

Norfolk, City of Virginia Beach, and the counties of James City, Isle of Wight, and Southampton for Individual Assistance and Public Assistance.

All counties within the Commonwealth of Virginia 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)

James L. Witt,

Director.

[FR Doc. 99-25175 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA-1293-DR]

Commonwealth of Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the Commonwealth of Virginia, (FEMA-1293-DR), dated September 18, 1999, and related determinations.

EFFECTIVE DATE: September 20, 1999.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646-3772.

SUPPLEMENTARY INFORMATION: The notice of a major disaster for the Commonwealth of Virginia 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 September 18, 1999:

The independent cities of Colonial Heights City and Petersburg City, and the counties of Accomack, Lancaster, Northumberland, Prince George County, Surry, Sussex, and York for Individual Assistance.

The independent cities of Suffolk City and Williamsburg, and the counties of Accomack, New Kent, Northampton, Prince George, Surry, Sussex, Westmoreland, and York 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,

Executive Associate Director, Response and Recovery Directorate.

[FR Doc. 99-25176 Filed 9-27-99; 8:45 am]

BILLING CODE 6718-02-P

FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL

Federal Financial Institutions Examination Council

Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations

ACTION: Notice of final interagency policy statement.

SUMMARY: The Federal Financial Institutions Examination Council (FFIEC) on behalf of the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS), collectively referred to as the "banking agencies" or the "agencies," is adopting an Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations (Policy Statement). The National Credit Union Administration (NCUA), also a member of the FFIEC, does not plan to adopt the policy at this time. Banks and savings associations (institutions) with \$500 million or more in total assets must have an annual audit performed by an independent public accountant under section 36 of the Federal Deposit Insurance Act (FDI Act), as implemented by 12 CFR Part 363. Thus, this Policy Statement applies only to institutions below that threshold that are not otherwise subject to audit requirements.

Accurate financial reporting is essential to an institution's safety and soundness. To ensure accurate and reliable financial reporting, the agencies recommend that the board of directors of each institution establish and maintain an external auditing program. This Policy Statement provides guidance regarding independent external auditing programs

encompassing: responsibilities of boards of directors, audit committees, and senior management; attributes and types of external auditing programs; special situations for institutions that are part of a holding company, newly chartered institutions, and institutions presenting supervisory concern; and examiner guidance for the review of external auditing programs. The Policy Statement also encourages institutions that are not otherwise required to do so, to establish an audit committee. This committee should consist entirely of outside directors, if practicable.

EFFECTIVE DATE: The Policy Statement is effective for fiscal years beginning on or after January 1, 2000.

FOR FURTHER INFORMATION CONTACT:

FDIC: Doris L. Marsh, Examination Specialist, Division of Supervision, (202) 898-8905, or A. Ann Johnson, Counsel, Legal Division, (202) 898-3573, FDIC, 550 17th Street, N.W., Washington, DC 20429.

FRB: Charles H. Holm, Manager, (202) 452-3502, or Arthur Lindo, Supervisory Financial Analyst, (202) 452-2695, Accounting Policy and Disclosure, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, N.W., Washington, DC 20551.

OCC: Gene Green, Deputy Chief Accountant, Office of the Chief Accountant, (202) 874-4933, or Bill Morris, Senior Policy Analyst/National Bank Examiner, (202) 874-4915, Core Policy Division, Office of the Comptroller of the Currency, 250 E Street, S.W., Washington, DC 20219.

OTS: Timothy J. Stier, Chief Accountant, (202) 906-5699, or Christine A. Smith, Policy Analyst, (202) 906-5740, Accounting Policy Division, Office of Thrift Supervision, 1700 G Street, N.W., Washington, DC 20552.

SUPPLEMENTARY INFORMATION:

I. Background

An institution's internal and external auditing programs are critical to its safety and soundness. Many institutions currently have independent external audits. These audits are undertaken voluntarily or are required by section 36 of the FDI Act (12 U.S.C. 1831m) and its implementing regulation, 12 CFR part 363; the Securities and Exchange Act of 1934 (15 U.S.C. 78a); the Federal Reserve bank holding company reporting requirements in the FR Y-6 Annual Report of Bank Holding Companies; or other appropriate laws and regulations. When an institution lacks an internal auditing program or

has weaknesses in an existing program, examiners often encourage the institution to have an independent external audit¹ performed. However, some institutions, particularly smaller institutions, still do not have an external audit for various reasons.

The banking agencies believe that an independent external audit provides reasonable assurance that an institution's financial statements are prepared in accordance with generally accepted accounting principles (GAAP). Accordingly, the banking agencies encourage all institutions to obtain external audits. To provide explicit guidance to institutions regarding external audits, the FFIEC has approved a uniform Interagency Policy Statement. The FFIEC recommends to the banking agencies that they individually adopt the policy.

This Policy Statement is generally consistent with the individual policies of the banking agencies. The agencies have provided guidance on external audits to their supervised institutions, but a uniform policy does not exist. For example, the OCC discusses its policies with regard to independent external audits for national banks in the Comptroller's Handbook for National Banks, Section 102, Internal and External Audits, and the Comptroller's Corporate Manual. The FDIC first adopted guidance on this subject in its Policy Statement Regarding Independent External Auditing Programs of State Nonmember Banks in 1988 (53 FR 47871, November 28, 1988) and amended this policy in 1996 (61 FR 32438, June 24, 1996). The OTS's policy on independent external audits is discussed in the Thrift Activities Regulatory Handbook, Section 350, Independent Audits. The FRB sets forth its policy on external audits in the FR Y-6—Annual Report of Bank Holding Companies and Section 1010, "External Audits," of the Commercial Bank Examination Manual.

II. The Proposed Policy Statement

The FFIEC sought public comment on the proposed policy statement on External Auditing Programs of Banks and Savings Associations in February 1998 (63 FR 7796, February 17, 1998). A section-by-section summary of the proposal follows:

¹ An examination of the financial statements of an institution performed by an independent certified or licensed public accountant in accordance with generally accepted auditing standards (GAAS) and of sufficient scope to enable the independent public accountant to express an opinion on the institution's financial statements as to their presentation in accordance with generally accepted accounting principles (GAAP).

Board of Directors' Responsibilities

The proposed policy statement expressed the banking agencies' belief that accurate financial reporting is essential to an institution's safety and soundness. To help ensure accurate and reliable financial reporting, the agencies recommended that the board of directors of each institution consider establishing and maintaining an external auditing program. The banking agencies believe that the board of directors should consider an external auditing program performed by an independent public accountant to be conducive to the safe and sound operation of the institution.

The proposal also encouraged the board of each institution, that is not otherwise required to do so, to establish an audit committee consisting entirely of outside directors, if practicable. It stated that an institution's board of directors or audit committee should consider the appropriateness of an external auditing program for the institution. In addition, the board of directors or audit committee should consider what form of external auditing program would assure that the institution's financial statements and regulatory reports are prepared reliably.

Alternative External Auditing Programs

The proposed policy statement identified a preferred external auditing program—a financial statement audit by an independent public accountant. The proposal also identified two alternatives—a report on the balance sheet audit and an attestation report on an internal control assertion.

The proposal also stated that an institution which is a subsidiary of a holding company may express the scope of its external auditing program in terms of its relationship to the consolidated group. However, the board or audit committee of the subsidiary should determine whether the subsidiary's activities involve unusual risks that are not covered adequately within the scope of the audit of the consolidated financial statements. If so, the proposal suggested that the board or audit committee consider strengthening its internal auditing procedures or implementing an appropriate alternative external auditing program.

Other Matters Concerning an External Auditing Program

The proposed policy statement recommended that an institution's external auditing program be performed as of a quarter-end date that coincides with a regulatory report date. The proposal explained that an independent

public accountant should have access to examination reports, other documents, and reports of action related to the supervision of the institution by its appropriate federal or state banking agency.

Examiner Review of the External Auditing Program

The proposal explained that examiners should consider an institution's size, the nature and scope of its activities, and any compensating controls when determining the adequacy of its external auditing program and making recommendations for improvement. Examiners should also consider whether the institution has undertaken a state-required auditing program (the scope of which differs from the preferred and alternative programs set forth in the proposal) when determining whether to make recommendations for improvements to the institution's external auditing program.

Notification and Submission of Reports

In the proposal, the agencies requested that each institution furnish, to its appropriate supervisory office, a copy of any reports by the independent public accountant pertaining to the external auditing program. The proposal also requested each institution to notify its appropriate supervisory office when an independent public accountant is engaged initially or when a change in, or termination of the services of, its accountant occurs.

Special Situations

The proposed policy statement noted that the FDIC Statement of Policy on Applications for Deposit Insurance (57 FR 12822) requires newly insured institutions to adopt an appropriate external auditing program. The proposal also listed some of the conditions that might be present in a problem institution which would warrant imposing requirements for specific external auditing services.

Appendix A—Definitions

Appendix A defined the terms used throughout the proposed policy statement. The agencies intended that these definitions be consistent with those used in current professional accounting and auditing literature and in the report of the Committee of Sponsoring Organizations of the Treadway Commission (COSO Report), "Internal Control—Integrated Framework."

III. Discussion of Public Comments

A. General Comments

The FFIEC received approximately 120 letters commenting on the proposed policy statement. Over 90 letters came from depository institutions whose size (based on total assets) ranged from about \$2 million to \$250 million. Of those letters, 20 percent came from national banks, 70 percent from state nonmember banks, and 10 percent from state member banks. One savings association submitted a comment. The other letters primarily came from national and state bank trade associations, accounting trade associations, accounting firms, and state banking departments. Other commenters included an organization representing state bank supervisory authorities, an attorney, an auditor, a consultant and two bank holding companies with small community banks.

Almost two-thirds of the commenters generally were opposed to the proposed policy statement. They cited the cost of requiring an audit by an independent public accountant as the reason for opposition. Those commenters warned that the cost of a financial statement audit would far outweigh its benefits for most small banks. In addition, over 40 percent of commenters opposed any requirement that each institution have an independent public accountant perform any external auditing program.

A number of commenters suggested that only institutions over a specified threshold be required to have an annual audit. The recommended thresholds ranged from \$50 million to \$250 million in total assets, with most respondents suggesting either \$100 or \$150 million in total assets as the appropriate size.

In contrast, most of the state banking departments that commented on the proposal favored it as did three-quarters of the accounting organizations, two banks, and one national bank trade association.

Several commenters questioned the timing of this proposal. Commenters suggested that the FFIEC not make it effective until after institutions had dealt with their Year 2000 computer problems. One state banking regulator suggested that the FFIEC phase in the proposal over a three year period to give states time to make their laws and regulations consistent with the proposed policy statement. Another state banking department recommended that the FFIEC exempt institutions in states with acceptable directors' examination requirements.

B. Changes to the Proposal in Response to Comments

Introduction

Many of the commenters misinterpreted the purpose, effect, and consequences of the proposed policy statement, believing that the agencies were requiring external audits of all institutions. For that reason, the FFIEC has expanded the Introduction to the Policy Statement and revised several parts of the document to better explain the recommendations.

Overview of External Auditing Programs

The FFIEC has revised the overview to set forth the benefits of a strong external auditing program and to discuss the responsibilities of the board of directors and audit committee for such a program. Because of many commenters' misunderstanding that the proposed policy statement requires an audit, the final Policy Statement has been clarified to explain that both an institution's audit committee and the agencies' examiners should consider the size of the institution and the nature, scope, and complexity of its operations when evaluating its external auditing program.

Nevertheless, many institutions already have an annual audit of their financial statements performed by an independent public accountant. In fact, almost 65 percent of institutions with total assets under \$500 million either voluntarily or for other reasons have such an audit. More than 85 percent of the institutions with total assets under \$500 million either have an audit or another type of external auditing program performed annually by an independent public accountant.² Thus, the agencies do not believe that they need to establish a total asset threshold (below the \$500 million threshold in 12 CFR 363) at which institutions would be required to have audits. However, the agencies expect those institutions that historically have had annual audits to continue to do so. For those having another type of external auditing program performed by an independent public accountant, the agencies expect

² Of institutions under \$500 million in total assets, annual audits are obtained by approximately 70 percent of national banks, 65 percent of state member banks, and 58 percent of state nonmember banks. If other annual external auditing programs performed by an independent public accountant are included, approximately 90 percent of national banks, 86 percent of state member banks, and 82 percent of state nonmember banks already have external auditing programs that would likely meet the recommendations of the Policy Statement. With regard to all thrift institutions, about 97 percent currently have annual audits and 99 percent have an external auditing program performed by an independent public accountant.

them to continue to obtain the same, or a more extensive, external auditing program in future years.

The proposed policy statement encouraged institutions that are not otherwise required to do so to have an audit committee consisting entirely of outside directors, if practicable. However, several commenters argued that small banks in rural communities may find it difficult to obtain knowledgeable persons outside of the institution who are willing to sit on a bank's board of directors. The agencies do not dispute this argument and for that reason, included a practicability exception in the proposal. This exception remains in the Policy Statement. As with the other provisions of this Policy Statement, an institution's board is encouraged to establish an audit committee entirely of outside directors, but is not required to do so.

External Auditing Programs

The final Policy Statement includes a new section which provides an overview of the basic attributes of a sound external auditing program. This section should assist boards and audit committees in determining the type of program that is most suitable for their institution. The final Policy Statement continues to identify a preferred external auditing program (a financial statement audit by an independent public accountant) and two alternative programs (an attestation report on internal control and a report on the balance sheet audit). It includes an explanation of these alternatives.

Several commenters argued that the cost of the balance sheet audit alternative was similar to that of a complete financial statement audit. Others stated that the internal control attestation report alternative is impractical because establishing and maintaining adequate internal control is very difficult in a small bank with few employees. The agencies agree that the cost of a balance sheet report audit may approach the cost of a financial statement audit, but in their opinion, it is a satisfactory alternative for many small banks. The internal control attestation alternative is generally the least costly of the three and may be the most beneficial choice for many small institutions. The agencies understand that small institutions will not have sufficient employees to establish as extensive an internal control system as larger institutions (for example, segregation of duties), but small institutions can use compensating controls to lessen the internal control risk.

The final Policy Statement discusses the state-required examinations and agreed-upon procedures that are performed annually for some small institutions. The document does not preclude an institution from selecting one of these external auditing programs. The Policy Statement also describes when management should consider expanding the scope of the external auditing program.

This section also recommends that an institution schedule an annual external auditing program as of year-end, or if that is not possible, at a quarter-end date that coincides with a regulatory report date. To minimize expense, several commenters suggested that the FFIEC recommend that external auditing programs be performed every 18 months, every other year, or every third year. The agencies did not change their recommendation, because they believe that external auditing programs are most effective if performed annually.

The Policy Statement encourages institutions to use an independent public accountant to provide a recognized standard of knowledge and objectivity. It has been revised, however, to permit a person other than an independent public accountant to perform agreed-upon procedures/state required examinations when permitted under the appropriate state law or regulations. Nevertheless, the Policy Statement cautions that whoever does such work should have experience with financial institution accounting and auditing and should be knowledgeable about relevant laws and regulations.

Special Situations

This section of the Policy Statement generally is unchanged from the proposal. It continues to address institutions that are holding company subsidiaries, newly insured institutions, and institutions that present supervisory concerns.

Examiner Guidance

This section has been expanded to provide general guidance to examiners who will assess an institution's external auditing program, and to describe the basis for evaluating the institution's performance. For example, examiners are expected to evaluate whether (1) the board or audit committee has reviewed at least annually an institution's external auditing program; (2) the program is appropriate for the size and operations of the institution; (3) the external auditor is independent; (4) the board or audit committee has concluded that the auditor is competent and knowledgeable about banking; and (5) the external auditing program has been

monitored properly. Nevertheless, in the agencies' opinion, an examiner should not automatically comment adversely to the board of directors of an institution with an otherwise satisfactory external auditing program merely because it does not engage an independent public accountant to audit its financial statements.

In addition, this section reconfirms that an auditor should have access to examination reports and other communications between regulators and the institution. Institutions also are encouraged to submit, to their appropriate supervisory office on a timely basis, reports issued by their external auditor on the external auditing program. The section also states that the institution should obtain an engagement letter from the auditor which states that examiners will be granted immediate and full access to the external auditing reports and related workpapers prepared by the auditor.

Appendix A—Definitions

Appendix A defines the terms used throughout the Policy Statement. The agencies made revisions only when needed to be consistent with any changes in the final Policy Statement.

C. Other Comments

The agencies encouraged comments on the proposed policy statement from any institution that had its independent public accountant perform one of the proposed alternative external auditing programs, *i.e.*, a report on the institution's balance sheet or an attestation report on internal control over specified schedules of its regulatory reports. Although many commenters objected to those alternatives, no respondents from banking organizations indicated that they had experience with these types of engagements.

In addition, some states have state-required external auditing programs (e.g., directors' examinations) that differ from the types of external auditing programs described in the proposed policy statement. Accordingly, the FFIEC requested comments on the amount of time states needed to modify the agreed-upon procedures in state-required examinations to be consistent with the types of programs set forth in any final Policy Statement. One state suggested three years. Several states indicated that the policy would have little effect because all, or almost all, of the institutions within their states already obtain audits. Since this Policy Statement recommends, but does not require that institutions establish external auditing programs, the agencies

are not providing a phase-in period as suggested by some commenters or a specifically defined transition period to allow states to modify their requirements.

Several other state banking departments recommended state-required examinations as an alternative. Since these examinations differ among the states, and the states may, at any time, amend their requirements, the agencies did not believe that they should make any determination as to which state requirements should be considered acceptable. The final Policy Statement does not preclude an institution from using the state-required examination as an alternative. However, as with all other external auditing programs, the institution's board or audit committee should determine whether such an examination meets the institution's needs, considering its size and the nature, scope, and complexity of its business activities.

IV. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (PRA), the Agencies may not conduct or sponsor, and the respondent is not required to respond to, an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. The FFIEC's Proposed policy statement; Request for comment, which was published on February 17, 1998, at 63 FR 7796, fulfilled the first notice requirement required by the PRA. Four comments were received relating to the information collections in the FFIEC Proposed policy statement. Each Agency likely will adopt the Final FFIEC policy statement for its institutions, including the information collections, as appropriate. At that time, each Agency will respond to the comments received and determine what changes, if any, are appropriate for its supervised institutions.

V. Policy Statement

The text of the Interagency Policy Statement follows:

Federal Financial Institutions Examination Council

Interagency Policy Statement on External Auditing Programs of Banks and Savings Associations

Introduction

The board of directors and senior managers of a banking institution or savings association (institution) are responsible for ensuring that the institution operates in a safe and sound manner. To achieve this goal and meet

the safety and soundness guidelines implementing Section 39 of the Federal Deposit Insurance Act (FDI Act) (12 U.S.C. 1831p-1),¹ the institution should maintain effective systems and internal control² to produce reliable and accurate financial reports.

Accurate financial reporting is essential to an institution's safety and soundness for numerous reasons. First, accurate financial information enables management to effectively manage the institution's risks and make sound business decisions. In addition, institutions are required by law³ to provide accurate and timely financial reports (e.g., Reports of Condition and Income [Call Reports] and Thrift Financial Reports) to their appropriate regulatory agency. These reports serve an important role in the agencies'⁴ risk-focused supervision programs by contributing to their pre-examination planning, off-site monitoring programs, and assessments of an institution's capital adequacy and financial strength. Further, reliable financial reports are necessary for the institution to raise capital. They provide data to stockholders, depositors and other funds providers, borrowers, and potential investors on the company's financial position and results of operations. Such information is critical to effective market discipline of the institution.

To help ensure accurate and reliable financial reporting, the agencies recommend that the board of directors of each institution establish and maintain an external auditing program. An external auditing program should be an important component of an institution's overall risk management process. For example, an external auditing program complements the internal auditing function of an institution by providing management and the board of directors with an independent and objective view of the reliability of the institution's financial statements and the adequacy of its financial reporting internal controls. Additionally, an effective external auditing program contributes to the efficiency of the agencies' risk-focused

examination process. By considering the significant risk areas of an institution, an effective external auditing program may reduce the examination time the agencies spend in such areas. Moreover, it can improve the safety and soundness of an institution substantially and lessen the risk the institution poses to the insurance funds administered by the Federal Deposit Insurance Corporation (FDIC).

This policy statement outlines the characteristics of an effective external auditing program and provides examples of how an institution can use an external auditor to help ensure the reliability of its financial reports. It also provides guidance on how an examiner may assess an institution's external auditing program. In addition, this policy statement provides specific guidance on external auditing programs for institutions that are holding company subsidiaries, newly insured institutions, and institutions presenting supervisory concerns.

The adoption of a financial statement audit or other specified type of external auditing program is generally only required in specific circumstances. For example, insured depository institutions covered by Section 36 of the FDI Act (12 U.S.C. 1831m), as implemented by Part 363 of the FDIC's regulations (12 CFR part 363), are required to have an external audit and an audit committee. Therefore, this policy statement is directed toward banks and savings associations which are exempt from Part 363 (i.e., institutions with less than \$500 million in total assets at the beginning of their fiscal year) or are not otherwise subject to audit requirements by order, agreement, statute, or agency regulations.

Overview of External Auditing Programs

Responsibilities of the Board of Directors

The board of directors of an institution is responsible for determining how to best obtain reasonable assurance that the institution's financial statements and regulatory reports are reliably prepared. In this regard, the board is also responsible for ensuring that its external auditing program is appropriate for the institution and adequately addresses the financial reporting aspects of the significant risk areas and any other areas of concern of the institution's business.

To help ensure the adequacy of its internal and external auditing programs, the agencies encourage the board of directors of each institution that is not otherwise required to do so to establish

an audit committee consisting entirely of outside directors.⁵ However, if this is impracticable, the board should organize the audit committee so that outside directors constitute a majority of the membership.

Audit Committee

The audit committee or board of directors is responsible for identifying at least annually the risk areas of the institution's activities and assessing the extent of external auditing involvement needed over each area. The audit committee or board is then responsible for determining what type of external auditing program will best meet the institution's needs (refer to the descriptions under "Types of External Auditing Programs").

When evaluating the institution's external auditing needs, the board or audit committee should consider the size of the institution and the nature, scope, and complexity of its operations. It should also consider the potential benefits of an audit of the institution's financial statements or an examination of the institution's internal control structure over financial reporting, or both. In addition, the board or audit committee may determine that additional or specific external auditing procedures are warranted for a particular year or several years to cover areas of particularly high risk or special concern. The reasons supporting these decisions should be recorded in the committee's or board's minutes.

If, in its annual consideration of the institution's external auditing program, the board or audit committee determines, after considering its inherent limitations, that an agreed-upon procedures/state-required examination is sufficient, they should also consider whether an independent public accountant should perform the work. When an independent public accountant performs auditing and attestation services, the accountant must conduct his or her work under, and may be held accountable for departures from, professional standards. Furthermore, when the external auditing program includes an audit of the financial statements, the board or audit committee obtains an opinion from the independent public accountant stating whether the financial statements are presented fairly, in all material respects, in accordance with generally accepted accounting principles (GAAP). When the external auditing program includes

⁵Institutions with \$500 million or more in total assets must establish an independent audit committee made up of outside directors who are independent of management. See 12 U.S.C. 1831m(g)(1) and 12 CFR 363.5.

¹ See 12 CFR Part 30 for national banks; 12 CFR Part 364 for state nonmember banks; 12 CFR Part 208 for state member banks; and 12 CFR Part 510 for savings associations.

² This Policy Statement provides guidance consistent with the guidance established in the "Interagency Policy Statement on the Internal Audit Function and its Outsourcing."

³ See 12 U.S.C. 161 for national banks; 12 U.S.C. 1817a for state nonmember banks; 12 U.S.C. 324 for state member banks; and 12 U.S.C. 1464(v) for savings associations.

⁴ Terms defined in Appendix A are italicized the first time they appear in this policy statement.

an examination of the internal control structure over financial reporting, the board or audit committee obtains an opinion from the independent public accountant stating whether the financial reporting process is subject to any material weaknesses.

Both the staff performing an internal audit function and the independent public accountant or other external auditor should have unrestricted access to the board or audit committee without the need for any prior management knowledge or approval. Other duties of an audit committee may include reviewing the independence of the external auditor annually, consulting with management, seeking an opinion on an accounting issue, and overseeing the quarterly regulatory reporting process. The audit committee should report its findings periodically to the full board of directors.

External Auditing Programs

Basic Attributes

External auditing programs should provide the board of directors with information about the institution's financial reporting risk areas, e.g., the institution's internal control over financial reporting, the accuracy of its recording of transactions, and the completeness of its financial reports prepared in accordance with GAAP.

The board or audit committee of each institution at least annually should review the risks inherent in its particular activities to determine the scope of its external auditing program. For most institutions, the lending and investment securities activities present the most significant risks that affect financial reporting. Thus, external auditing programs should include specific procedures designed to test at least annually the risks associated with the loan and investment portfolios. This includes testing of internal control over financial reporting, such as

management's process to determine the adequacy of the allowance for loan and lease losses and whether this process is based on a comprehensive, adequately documented, and consistently applied analysis of the institution's loan and lease portfolio.

An institution or its subsidiaries may have other significant financial reporting risk areas such as material real estate investments, insurance underwriting or sales activities, securities broker-dealer or similar activities (including securities underwriting and investment advisory services), loan servicing activities, or fiduciary activities. The external auditing program should address these and other activities the board or audit committee determines present significant financial reporting risks to the institution.

Types of External Auditing Programs

The agencies consider an annual audit of an institution's financial statements performed by an independent public accountant to be the preferred type of external auditing program. The agencies also consider an annual examination of the effectiveness of the internal control structure over financial reporting or an audit of an institution's balance sheet, both performed by an independent public accountant, to be acceptable alternative external auditing programs. However, the agencies recognize that some institutions only have agreed-upon procedures/state-required examinations performed annually as their external auditing program. Regardless of the option chosen, the board or audit committee should agree in advance with the external auditor on the objectives and scope of the external auditing program.

Financial Statement Audit by an Independent Public Accountant. The agencies encourage all institutions to have an external audit performed in accordance with generally accepted

auditing standards (GAAS). The audit's scope should be sufficient to enable the auditor to express an opinion on the institution's financial statements taken as a whole.

A financial statement audit provides assurance about the fair presentation of an institution's financial statements. In addition, an audit may provide recommendations for management in carrying out its control responsibilities. For example, an audit may provide management with guidance on establishing or improving accounting and operating policies and recommendations on internal control (including internal auditing programs) necessary to ensure the fair presentation of the financial statements.

Reporting by an Independent Public Accountant on an Institution's Internal Control Structure Over Financial Reporting. Another external auditing program is an independent public accountant's examination and report on management's assertion on the effectiveness of the institution's internal control over financial reporting. For a smaller institution with less complex operations, this type of engagement is likely to be less costly than an audit of its financial statements or its balance sheet. It would specifically provide recommendations for improving internal control, including suggestions for compensating controls, to mitigate the risks due to staffing and resource limitations.

Such an attestation engagement may be performed for all internal controls relating to the preparation of annual financial statements or specified schedules of the institution's regulatory reports.⁶ This type of engagement is performed under generally accepted standards for attestation engagements (GASAE).⁷

Note: For banks and savings associations, the lending, investment securities, trading, and off-balance sheet schedules consist of:

Area	Reports of condition and income schedules	Thrift financial report schedules
Loans and Lease Financing Receivables	RC-C, Part I	SC, CF.
Past Due and Nonaccrual Loans, Leases, and Other Assets	RC-N	PD.
Allowance for Credit Losses	RI-B	SC, VA.
Securities	RC-B	SC, SI, CF.
Trading Assets and Liabilities	RC-D	SO, SI.
Off-Balance Sheet Items	RC-L	SI, CMR.

⁶Since the lending and investment securities activities generally present the most significant risks that affect an institution's financial reporting, management's assertion and the accountant's attestation generally should cover those regulatory report schedules. If the institution has trading or

off-balance sheet activities that present material financial reporting risks, the board or audit committee should ensure that the regulatory report schedules for those activities also are covered by management's assertion and the accountant's attestation. See Note above for further information.

⁷An attestation engagement is not an audit. It is performed under different professional standards than an audit of an institution's financial statements or its balance sheet.

These schedules are not intended to address all possible risks in an institution.

Balance Sheet Audit Performed By An Independent Public Accountant. With this program, the institution engages an independent public accountant to examine and report only on the balance sheet. As with the audit of the financial statements, this audit is performed in accordance with GAAS. The cost of a balance sheet audit is likely to be less than a financial statement audit. However, under this type of program, the accountant does not examine or report on the fairness of the presentation of the institution's income statement, statement of changes in equity capital, or statement of cash flows.

Agreed-Upon Procedures/State-Required Examinations. Some state-chartered depository institutions are required by state statute or regulation to have specified procedures performed annually by their directors or independent persons.⁸ The bylaws of many national banks also require that some specified procedures be performed annually by directors or others, including internal or independent persons. Depending upon the scope of the engagement, the cost of agreed-upon procedures or a state-required examination may be less than the cost of an audit. However, under this type of program, the independent auditor does not report on the fairness of the institution's financial statements or attest to the effectiveness of the internal control structure over financial reporting. The findings or results of the procedures are usually presented to the board or the audit committee so that they may draw their own conclusions about the quality of the financial reporting or the sufficiency of internal control.

When choosing this type of external auditing program, the board or audit committee is responsible for determining whether these procedures meet the external auditing needs of the institution, considering its size and the nature, scope, and complexity of its business activities. For example, if an institution's external auditing program consists solely of confirmations of deposits and loans, the board or committee should consider expanding the scope of the auditing work performed to include additional procedures to test the institution's high risk areas. Moreover, a financial

statement audit, an examination of the effectiveness of the internal control structure over financial reporting, and a balance sheet audit may be accepted in some states and for national banks in lieu of agreed-upon procedures/state-required examinations.

Other Considerations

Timing. The preferable time to schedule the performance of an external auditing program is as of an institution's fiscal year-end. However, a quarter-end date that coincides with a regulatory report date provides similar benefits. Such an approach allows the institution to incorporate the results of the external auditing program into its regulatory reporting process and, if appropriate, amend the regulatory reports.

External Auditing Staff. The agencies encourage an institution to engage an independent public accountant to perform its external auditing program. An independent public accountant provides a nationally recognized standard of knowledge and objectivity by performing engagements under GAAS or GASAE. The firm or independent person selected to conduct an external auditing program and the staff carrying out the work should have experience with financial institution accounting and auditing or similar expertise and should be knowledgeable about relevant laws and regulations.

Special Situations

Holding Company Subsidiaries

When an institution is owned by another entity (such as a holding company), it may be appropriate to address the scope of its external audit program in terms of the institution's relationship to the consolidated group. In such cases, if the group's consolidated financial statements for the same year are audited, the agencies generally would not expect the subsidiary of a holding company to obtain a separate audit of its financial statements. Nevertheless, the board of directors or audit committee of the subsidiary may determine that its activities involve significant risks to the subsidiary that are not within the procedural scope of the audit of the financial statements of the consolidated entity. For example, the risks arising from the subsidiary's activities may be immaterial to the financial statements of the consolidated entity, but material to the subsidiary. Under such circumstances, the audit committee or board of the subsidiary should consider strengthening the internal audit coverage of those activities or

implementing an appropriate alternative external auditing program.

Newly Insured Institutions

Under the FDIC Statement of Policy on Applications for Deposit Insurance, applicants for deposit insurance coverage are expected to commit the depository institution to obtain annual audits by an independent public accountant once it begins operations as an insured institution and for a limited period thereafter.

Institutions Presenting Supervisory Concerns

As previously noted, an external auditing program complements the agencies' supervisory process and the institution's internal auditing program by identifying or further clarifying issues of potential concern or exposure. An external auditing program also can greatly assist management in taking corrective action, particularly when weaknesses are detected in internal control or management information systems affecting financial reporting.

The agencies may require a financial institution presenting safety and soundness concerns to engage an independent public accountant or other independent external auditor to perform external auditing services.⁹ Supervisory concerns may include:

- Inadequate internal control, including the internal auditing program;
- A board of directors generally uninformed about internal control;
- Evidence of insider abuse;
- Known or suspected defalcations;
- Known or suspected criminal activity;
- Probable director liability for losses;
- The need for direct verification of loans or deposits;
- Questionable transactions with affiliates; or
- The need for improvements in the external auditing program.

The agencies may also require that the institution provide its appropriate supervisory office with a copy of any reports, including management letters, issued by the independent public accountant or other external auditor. They also may require the institution to notify the supervisory office prior to any meeting with the independent public accountant or other external auditor at which auditing findings are to be presented.

⁸When performed by an independent public accountant, "specified procedures" and "agreed-upon procedures" engagements are performed under standards, which are different professional standards than those used for an audit of an institution's financial statements or its balance sheet.

⁹The Office of Thrift Supervision requires an external audit by an independent public accountant for savings associations with a composite rating of 3, 4, or 5 under the Uniform Financial Institution Rating System, and on a case-by-case basis.

Examiner Guidance

Review of the External Auditing Program

The review of an institution's external auditing program is a normal part of the agencies' examination procedures. An examiner's evaluation of, and any recommendations for improvements in, an institution's external auditing program will consider the institution's size; the nature, scope, and complexity of its business activities; its risk profile; any actions taken or planned by it to minimize or eliminate identified weaknesses; the extent of its internal audit program; and any compensating controls in place. Examiners will exercise judgment and discretion in evaluating the adequacy of an institution's external auditing program.

Specifically, examiners will consider the policies, processes, and personnel surrounding an institution's external auditing program in determining whether:

- The board of directors or its audit committee adequately reviews and approves external auditing program policies at least annually.
- The external auditing program is conducted by an independent public accountant or other independent auditor and is appropriate for the institution.
- The engagement letter covering external auditing activities is adequate.
- The report prepared by the auditor on the results of the external auditing program adequately explains the auditor's findings.
- The external auditor maintains appropriate independence regarding relationships with the institution under relevant professional standards.
- The board of directors performs due diligence on the relevant experience and competence of the independent auditor and staff carrying out the work (whether or not an independent public accountant is engaged).
- The board or audit committee minutes reflect approval and monitoring of the external auditing program and schedule, including board or committee reviews of audit reports with management and timely action on audit findings and recommendations.

Access to Reports

Management should provide the independent public accountant or other auditor with access to all examination reports and written communication between the institution and the agencies or state bank supervisor since the last external auditing activity. Management also should provide the accountant with access to any supervisory memoranda of understanding, written agreements,

administrative orders, reports of action initiated or taken by a federal or state banking agency under section 8 of the FDI Act (or a similar state law), and proposed or ordered assessments of civil money penalties against the institution or an institution-related party, as well as any associated correspondence. The auditor must maintain the confidentiality of examination reports and other confidential supervisory information.

In addition, the independent public accountant or other auditor of an institution should agree in the engagement letter to grant examiners access to all the accountant's or auditor's workpapers and other material pertaining to the institution prepared in the course of performing the completed external auditing program.

Institutions should provide reports¹⁰ issued by the independent public accountant or other auditor pertaining to the external auditing program, including any management letters, to the agencies and any state authority in accordance with their appropriate supervisory office's guidance.¹¹ Significant developments regarding the external auditing program should be communicated promptly to the appropriate supervisory office. Examples of those developments include the hiring of an independent public accountant or other third party to perform external auditing work and a change in, or termination of, an independent public accountant or other external auditor.

Appendix A—Definitions

Agencies. The agencies are the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS).

¹⁰The institution's engagement letter is not a "report" and is not expected to be submitted to the appropriate supervisory office unless specifically requested by that office.

¹¹When an institution's financial information is included in the audited consolidated financial statements of its parent company, the institution should provide a copy of the audited financial statements of the consolidated company and any other reports by the independent public accountant in accordance with their appropriate supervisory office's guidance. If several institutions are owned by one parent company, a single copy of the reports may be supplied in accordance with the guidance of the appropriate supervisory office of each agency supervising one or more of the affiliated institutions and the holding company. A transmittal letter should identify the institutions covered. Any notifications of changes in, or terminations of, a consolidated company's independent public accountant may be similarly supplied to the appropriate supervisory office of each supervising agency.

Appropriate supervisory office. The regional or district office of the institution's primary federal banking agency responsible for supervising the institution or, in the case of an institution that is part of a group of related insured institutions, the regional or district office of the institution's federal banking agency responsible for monitoring the group. If the institution is a subsidiary of a holding company, the term "appropriate supervisory office" also includes the federal banking agency responsible for supervising the holding company. In addition, if the institution is state-chartered, the term "appropriate supervisory office" includes the appropriate state bank or savings association regulatory authority.

Audit. An examination of the financial statements, accounting records, and other supporting evidence of an institution performed by an independent certified or licensed public accountant in accordance with generally accepted auditing standards (GAAS) and of sufficient scope to enable the independent public accountant to express an opinion on the institution's financial statements as to their presentation in accordance with generally accepted accounting principles (GAAP).

Audit committee. A committee of the board of directors whose members should, to the extent possible, be knowledgeable about accounting and auditing. The committee should be responsible for reviewing and approving the institution's internal and external auditing programs or recommending adoption of these programs to the full board.

Balance sheet audit performed by an independent public accountant. An examination of an institution's balance sheet and any accompanying footnotes performed and reported on by an independent public accountant in accordance with GAAS and of sufficient scope to enable the independent public accountant to express an opinion on the fairness of the balance sheet presentation in accordance with GAAP.

Engagement letter. A letter from an independent public accountant to the board of directors or audit committee of an institution that usually addresses the purpose and scope of the external auditing work to be performed, period of time to be covered by the auditing work, reports expected to be rendered, and any limitations placed on the scope of the auditing work.

Examination of the internal control structure over financial reporting. See Reporting by an Independent Public Accountant on an Institution's Internal

Control Structure Over Financial Reporting.

External auditing program. The performance of procedures to test and evaluate high risk areas of a institution's business by an independent auditor, who may or may not be a public accountant, sufficient for the auditor to be able to express an opinion on the financial statements or to report on the results of the procedures performed.

Financial statement audit by an independent public accountant. See Audit.

Financial statements. The statements of financial position (balance sheet), income, cash flows, and changes in equity together with related notes.

Independent public accountant. An accountant who is independent of the institution and registered or licensed to practice, and holds himself or herself out, as a public accountant, and who is in good standing under the laws of the state or other political subdivision of the United States in which the home office of the institution is located. The independent public accountant should comply with the American Institute of Certified Public Accountants' (AICPA) *Code of Professional Conduct* and any related guidance adopted by the Independence Standards Board and the agencies. No certified public accountant or public accountant will be recognized as independent who is not independent both in fact and in appearance.

Internal auditing. An independent assessment function established within an institution to examine and evaluate its system of internal control and the efficiency with which the various units of the institution are carrying out their assigned tasks. The objective of internal auditing is to assist the management and directors of the institution in the effective discharge of their responsibilities. To this end, internal auditing furnishes management with analyses, evaluations, recommendations, counsel, and information concerning the activities reviewed.

Outside directors. Members of an institution's board of directors who are not officers, employees, or principal stockholders of the institution, its subsidiaries, or its affiliates, and who do not have any material business dealings with the institution, its subsidiaries, or its affiliates.

Regulatory reports. These reports are the Reports of Condition and Income (Call Reports) for banks, Thrift Financial Reports (TFRs) for savings associations, Federal Reserve (FR) Y reports for bank holding companies, and the H-(b)11 Annual Report for thrift holding companies.

Reporting by an independent public accountant on an institution's internal control structure over financial reporting. Under this engagement, management evaluates and documents its review of the effectiveness of the institution's internal control over financial reporting in the identified risk areas as of a specific report date. Management prepares a written assertion, which specifies the criteria on which management based its evaluation about the effectiveness of the institution's internal control over financial reporting in the identified risk areas and states management's opinion on the effectiveness of internal control over this specified financial reporting. The independent public accountant is engaged to perform tests on the internal control over the specified financial reporting in order to attest to management's assertion. If the accountant concurs with management's assertion, even if the assertion discloses one or more instances of material internal control weakness, the accountant would provide a report attesting to management's assertion.

Risk areas. Those particular activities of an institution that expose it to greater potential losses if problems exist and go undetected. The areas with the highest financial reporting risk in most institutions generally are their lending and investment securities activities.

Specified procedures. Procedures agreed-upon by the institution and the auditor to test its activities in certain areas. The auditor reports findings and test results, but does not express an opinion on controls or balances. If performed by an independent public accountant, these procedures should be performed under generally accepted standards for attestation engagements (GASAE).

Dated: September 22, 1999.

Keith J. Todd,

Executive Secretary, Federal Financial Institutions Examination Council.

[FR Doc. 99-25103 Filed 9-27-99; 8:45 am]

BILLING CODE 6210-01-P; 6720-01-P; 6714-01-P; 4810-33-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.

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 October 22, 1999.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63102-2034:

1. Area Bancshares Corporation, Owensboro, Kentucky; to acquire 100 percent of the voting shares of Dees Bank of Hazel, Hazel, Kentucky, Bank of Livingston County, Tiline, Kentucky; Peoples Bank of Murray, Kentucky, Murray, Kentucky; and Lyon Bancorp, Inc., Eddyville, Kentucky, and its subsidiary bank, The Bank of Lyon County, Tiline, Kentucky.

B. Federal Reserve Bank of San Francisco (Maria Villanueva, Manager of Analytical Support, Consumer Regulation Group) 101 Market Street, San Francisco, California 94105-1579:

1. InterBancorp, Inc., Duvall, Washington; to become a bank holding company by acquiring 100 percent of the voting shares of Inter Bank, Duvall, Washington.

Board of Governors of the Federal Reserve System, September 22, 1999.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 99-25102 Filed 9-27-99; 8:45 am]

BILLING CODE 6210-01-F

FEDERAL TRADE COMMISSION**Announcement of Joint Public Forum on the Advertising and Marketing of Dial-Around and Other Long-Distance Telecommunications Services**

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission and Federal Communications Commission plan to hold a public forum in November 4, 1999, to discuss the advertising and marketing of dial-around and other long-distance telecommunications services. This Federal Register Notice outlines the topics to be addressed at the forum and the procedures to be followed by those who wish to participate in the forum.

DATES: The public forum will be held on November 4, 1999, in Washington, D.C., from 8:30 a.m. until 5:30 p.m. Notification of interest in participating in the forum must be submitted on or before October 20, 1999.

ADDRESSES: Notification of interest in participating in the public forum should be submitted in writing to Lynn Vermillera, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. The public forum will be held at the Federal Communications Commission, 445 12th Street, SW, Commission Meeting Room, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Lynn Vermillera, Ivermill@fcc.gov, (202) 418-7120, Enforcement Division, Common Carrier Bureau, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554; or Marianne Schwanke, mschwanke@ftc.gov, (202) 326-3165, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue, NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:**Section A. Background**

As a result of the Telecommunications Act of 1996¹ and the subsequent increase in competition in the long-distance telecommunications market, many companies are offering consumers a variety of choices in long-distance calling. Numerous long-distance carriers, both large and small, heavily promote, through national television, print, and direct mail advertising campaigns, the use of their own long-distance telecommunications services,

including dial-around services. These advertisements urge consumers to dial a long-distance provider's access code (or "10-10" number) before dialing a long-distance number to bypass or "dial around" the consumer's chosen long-distance carrier and to get a better rate. Other advertisements promote "calling plans" that offer a fixed per-minute rate during certain hours or on particular days. The increased competition for long-distance call volume through dial-around and other services has given consumers greater choice in deciding which carrier to use and a greater diversity in the prices charged for those calls. With accurate information, consumers will benefit from being able to choose the particular carrier that meets their long-distance calling needs at the most economical price. Conversely, if consumers are deceived by the advertising claims, they cannot make informed purchasing decisions and ultimately the growth of competition in the long-distance market will be inhibited. Since consumers of dial-around services must rely on the information contained in the advertisements as the basis for determining whether to choose a particular dial-around service, it is even more critical that such advertising claims be truthful and not misleading.

Because of the proliferation of advertisements for these new services, as well as the increased number of complaints by consumers regarding how dial-around and other long-distance services are marketed, the Federal Trade Commission ("FTC") and Federal Communications Commission ("FCC") have concluded that a public forum would be appropriate to afford staff and interested parties an opportunity to explore the issues raised by the advertising and marketing of dial-around and other telecommunications services. Based on the information provided at the forum, the agencies will determine whether future action is necessary regarding the advertising and marketing of long-distance telephone services.

Section B. Public Forum

The FCC and FTC staff will conduct a public forum to discuss issues raised by the advertising and marketing of dial-around and other long-distance services. The purpose of the forum is to facilitate a discussion among members of industry, consumer groups, and law enforcement about issues raised by claims made in many dial-around and other long-distance telephone service advertisements, and possible solutions to these concerns, including additional guidance to the industry. The forum

will be divided into two sessions. The morning session will begin with an overview of applicable advertising law, which prohibits deceptive representations. This overview will be followed by a discussion among representatives from industry, consumer organizations, and law enforcement, as well as marketing and advertising experts, regarding various issues, including consumers' need for cost information, the use of comparative claims, and the effectiveness of disclosures. The afternoon session will provide participants with the opportunity to analyze claims made in various mock advertisements illustrative of the issues raised by current advertisements for dial-around and other long-distance telephone services. Following this discussion, participants will have the opportunity to present possible solutions to the concerns raised by current advertising in this area. There also will be time for public comment following the afternoon session.

Section C. Request To Participate

The FCC and FTC invite members of the public, industry, and other interested parties to participate in the forum. To be eligible to participate, you must file a request to participate by October 20, 1999. If the number of parties who request to participate in the forum is so large that including all requesters would inhibit effective discussion among participants, staff of the FTC and FCC will select as participants a limited number of parties to represent the relevant interests. Selection will be based on the following criteria:

1. The party submitted a request to participate by October 20, 1999.
2. The party's participation would promote the representation of a balance of interests at the forum.
3. The party's participation would promote the consideration and discussion of the issues presented in the forum.
4. The party has expertise in issues raised in the forum.
5. The party adequately reflects the view of the affected interest(s) which it purports to represent.

If it is necessary to limit the number of participants, those who requested to participate but were not selected will be afforded an opportunity, if at all possible, to present statements during a limited time period at the end of the session. The time allotted for these statements will be based on the amount of time necessary for discussion of the issues by the selected parties, and on the number of persons who wish to

¹ 47 U.S.C. 228 and 15 U.S.C. 5714(1).

make statements. Requesters will be notified as soon as possible after October 20, 1999, if they have been selected to participate.

By direction of the Commission.

Donald S. Clark,
Secretary.

[FR Doc. 99-25212 Filed 9-27-99; 8:45 am]

BILLING CODE 6750-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of Public Health and Science

Office of the Secretary

Request for Nomination for Members of the Chronic Fatigue Syndrome Coordinating Committee

The Office of Public Health and Science (OPHS) requests nominations for representatives to serve on the Chronic Fatigue Syndrome Coordinating Committee (CFSCC). Nominations are solicited for one biomedical research scientist with demonstrated achievements in biomedical research relating to chronic fatigue syndrome; and, one individual with expertise in health care services, disability issues, or a representative of private health care services insurers.

Information Required

Each nomination shall consist of a package that at a minimum includes:

A. A letter of nomination that clearly states the name and affiliation of the nominee, the nominator's basis for the nomination, and the category for which the person is nominated;

B. The name, return address, and daytime telephone number at which the nominator may be contacted.

Organizational nominators must identify a principal contact person in addition to contact information.

C. A copy of the nominee's curriculum vitae.

All nomination information for a nominee must be provided in a complete single package. Incomplete nominations cannot be considered. Nomination materials must bear original signatures; facsimile transmissions or copies are not acceptable.

DATES: All nominations must be received at the address below by no later than 4 p.m. EDT on October 29, 1999.

ADDRESSES: All nomination packages shall be submitted to Dr. David Morens, National Institutes of Health, National Institute of Allergy and Infectious Diseases, Division of Microbiology and Infectious Diseases, Room 3258, 6700-B

Rockledge Drive, Bethesda, Maryland 20892.

FOR FURTHER INFORMATION CONTACT:

Dr. David Morens at the above address or at 301-496-7453 between 9 a.m. and 3 p.m. EDST.

Dated: September 20, 1999.

Anthony S. Fauci,

Director, National Institute of Allergy and Infectious Disease, National Institute of Health.

[FR Doc. 99-25191 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Consultation and Review Directly Funded Community-Based Organization Program Summary Document; Meeting

The National Center for HIV, STD, and TB Prevention (NCHSTP) of the Centers for Disease Control and Prevention (CDC) announces the following meeting:

Name: Consultation and review Directly-Funded Community-Based Organization Program Summary Document.

Times and Dates:

8:30 a.m.-5 p.m., October 4, 1999

8:30 a.m.-3 p.m., October 5, 1999

Place: Crown Plaza Ravinia, 4355 Ashford Dunwoody Rd. NE, Atlanta, Georgia 30346. Telephone, 770/395-7700.

Status: Open to the public, limited only by space available. The meeting space accommodates approximately 200 people.

Purpose: The purpose of this consultation is to provide a forum for obtaining expertise and feedback on specific components of the summary statement cited above.

Matters to be Discussed: Agenda items include a discussion of the program goals, eligibility criteria; program requirements; evaluation criteria; and lessons learned from ongoing programs. Agenda items are subject to change as priorities dictate.

Contact Persons for More Information: Nikki Economou or Samuel Martinez, Community Assistance, Planning and National Partnerships Branch, Division of HIV/AIDS Prevention, NCHSTP, CDC, Mailstop E-58, 1600 Clifton Road, Atlanta, Georgia 30333. Telephone 404/639-5230, e-mail nxe0@cdc.gov or sbm5@cdc.gov.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: September 22, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 99-25141 Filed 9-27-99; 8:45 am]

BILLING CODE 4163-18-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N-4068]

Agency Information Collection Activities: Proposed Collection; Comment Request; Advisory Opinions; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on requirements for parties seeking an advisory opinion from the Commissioner of Food and Drugs (the Commissioner).

DATES: Submit written comments on the collection of information by November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the

information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Advisory Opinions—21 CFR 10.85 (OMB Control Number 0910-0193—Extension)

Section 10.85 (21 CFR 10.85), issued under section 701(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 371(a)), provides that an interested person may request an

advisory opinion from the Commissioner on a matter of general applicability. Section 10.85 sets forth the format and instructions for making an advisory opinion request. When making a request, the petitioner must provide a concise statement of the issues and questions on which an opinion is requested and a full statement of the facts and legal points relevant to the request. An advisory opinion represents the formal position of FDA on a matter of general applicability.

Respondents to this collection of information are parties seeking an advisory opinion from the Commissioner on the agency's formal position for matters of general applicability.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
10.85	3	1	3	16	48

¹There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate for this collection of information is based on an average for the period 1996 through 1998 with each advisory opinion requiring an estimated 16 hours of preparation time.

Dated: September 22, 1999.

William K. Hubbard,
Senior Associate Commissioner for Policy,
Planning, and Legislation.
[FR Doc. 99-25100 Filed 9-27-99; 8:45 am]
BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N-4069]

Agency Information Collection Activities: Proposed Collection; Comment Request; Notice of Participation; Extension

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to

publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on reporting requirements for filing a notice of participation with FDA.

DATES: Submit written comments on the collection of information by November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to the Dockets Management Branch (HFA-305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JennaLynn P. Capezuto, Office of Information Resources Management (HFA-250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-4659.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR

1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth below.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Notice of Participation—21 CFR 12.45 (OMB Control Number 0910-0191—Extension)

Under part 12 (21 CFR part 12) regulations issued under sections 201-903 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321-393), any interested person may participate in a formal evidentiary hearing, either personally or through a representative by filing a notice of participation under § 12.45. Section 12.45 requires that any person filing a notice of participation state the person's specific interest in the

proceedings, including the specific issues of fact about which the person desires to be heard. This section also requires that the notice include a statement that the person will present testimony at the hearing and will comply with specific requirements in § 12.85 or, in the case of a hearing before a public board of inquiry, in 21 CFR 13.25, concerning disclosure of data and information by participants. A participant's appearance can be struck by the presiding officer in accordance with § 12.45(e).

The information obtained is used by the presiding officer and other participants in a hearing to identify specific interests to be presented. This preliminary information serves to expedite the prehearing conference and commits participation.

The affected respondents are individuals or households, State or local governments, not-for-profit institutions and businesses or other for-profit groups and institutions.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN¹

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
12.45	30	1	30	3	90

¹ There are no capital costs or operating and maintenance costs associated with this collection of information.

The agency bases this estimate on an average for the period 1996 through 1998 in which each notice of participation filed took an estimated 3 hours to complete.

Dated: September 22, 1999.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 99-25101 Filed 9-27-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Advisory Committee for Reproductive Health Drugs; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Advisory Committee for Reproductive Health Drugs.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on October 18, 1999, 9 a.m. to 5 p.m.

Location: Holiday Inn, The Ballroom, Two Montgomery Village Ave., Gaithersburg, MD.

Contact Person: Jayne E. Peterson or Robin M. Spencer, Center for Drug

Evaluation and Research (HFD-21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-7001, or by e-mail at PETERSONJ@CDER.FDA.GOV, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area), code 12537. Please call the Information Line for up-to-date information on this meeting. Current information may also be accessed on the Internet at FDA's website <http://www.fda.gov/cder/coe.htm>.

Agenda: Presentations and committee discussions will address the following draft FDA guidance documents: (1) Draft guidance for reviewers entitled "Evaluation of Human Pregnancy Outcome Data" (see 64 FR 30040, June 4, 1999, including solicitation for comments [Docket No. 99D-1540]), and (2) draft guidance for industry entitled "Guidance for Industry, Establishing Pregnancy Registries Data" (see 64 FR 30041, June 4, 1999, including solicitation for comments [Docket No. 99D-1541]). The application and impact of these guidances on drugs reviewed by the Division of Reproductive and Urologic Drug Products will be considered with specific emphasis on drugs used in assisted reproductive technology (infertility treatment regimens). In addition, if revised guidances are available at the time of the meeting, the topics of labeling for non-contraceptive estrogen drug products and the clinical evaluation of estrogen and estrogen/progestin-containing drugs used for hormone replacement therapy in postmenopausal women will be discussed. Any revised draft guidances will be made available

to the public near the time of the October 18, 1999, advisory committee meeting.

Procedure: Interested persons may present data, information, or views, orally or in writing on issues pending before the committee. Written submissions may be made to the contact person by October 13, 1999. Oral presentations from the public will be scheduled between approximately 9 a.m. and 9:30 a.m. and 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 13, 1999, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: September 22, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99-25228 Filed 9-27-99; 8:45 am]

BILLING CODE 4160-01-F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA-222]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection;

Title of Information Collection: Independent Rural Health Center/ Freestanding Federally Qualified Health Center Cost Report and Supporting Regulations in 42 CFR, Section 413.20 and 413.24;

Form No.: HCFA-222;

Use: The independent rural health clinic/freestanding federally qualified health center (RHC/FQHC) cost report is the cost report to be used by the mentioned clinics/centers to submit annual information to achieve a settlement of costs for health care services rendered to Medicare beneficiaries. This form is used to collect the pertinent information from the RHC's and FQHC's in order to determine their Medicare cost reimbursement;

Frequency: Annually;

Affected Public: Not-for-profit institutions, State, local or tribal government, and Business or other for-profit;

Number of Respondents: 3,000;

Total Annual Responses: 3,000;

Total Annual Hours Requested: 150,000.

To obtain copies of the supporting statement for the proposed paperwork collections referenced above, access

HCFA's WEB SITE ADDRESS at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address and phone number, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786-1326.

Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB Desk Officer designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: September 1, 1999.

John Parmigiani,

Manager, HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 99-25098 Filed 9-27-99; 8:45 am]

BILLING CODE 4120-03-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00-14, R13 Review.

Date: October 12, 1999.

Time: 12:15 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: H. George Hausch, PhD., Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00-10, R44 Review.

Date: November 10, 1999.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications, Natcher Building, Rm. 4AN44F.

Place: Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, PhD, DMD, Scientific Review Administrator, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 17, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25192 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of 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 a meeting of the Board of Scientific Counselors, NIEHS.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, NIEHS.

Date: October 17-19, 1999.

Closed: October 17, 1999, 7:00 p.m. to 8:30 p.m.

Agenda: To review and evaluate program information and discuss the review process.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Open: October 18, 1999, 8:30 a.m. to 5:00 p.m.

Agenda: An overview of the organization and conduct of research in the Laboratory of Computational Biology and Risk Analysis.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Closed: October 19, 1999, 8:30 a.m. to Adjournment.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Siena Hotel, 1505 E. Franklin Street, Chapel Hill, NC 27514.

Contact Person: J. Carl Barrett, PhD, Scientific Director/Executive Secretary, Nat. Institute of Environmental Health Sciences, National Institutes of Health, P.O. Box 12233, Research Triangle Park, NC 27709, (919) 541-3205.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: September 17, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25193 Filed 9-21-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4), and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders A.

Date: October 6-8, 1999.

Time: 7:30 p.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: University Inn, 4140 Roosevelt Way NE, Seattle, WA 98105.

Contact Person: Katherine M. Woodbury, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

Name of Committee: National Institute of Neurological Disorders and Stroke Initial Review Group, Neurological Sciences and Disorders B.

Date: October 7-8, 1999.

Time: 7:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Edmond Meany Hotel, 4507 Brooklyn NE, Seattle, WA 98105.

Contact Person: Paul A. Sheehy, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, National Institutes of Health, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223.

Name of Committee: Training Grant and Career Development Review Committee.

Date: October 21-22, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Resort and Spa, 250 Racquet Club Road, Fort Lauderdale, FL 33326.

Contact Person: Lillian M. Pubols, PhD, Chief, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd, Suite 3208, MSC 9529, Bethesda, MD 20892-9529, 301-496-9223 1p28e@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25194 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Committee B.

Date: November 4, 1999.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Arthur L. Zachary, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1A5-13H, Bethesda, MD 20892, (301) 594-2886.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25195 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 of 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 General Medical Sciences Initial Review

Group, Biomedical Research and Research Training Review Committee B.

Date: November 4, 1999.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Carole H. Latker, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1A5-13, Bethesda, MD 20892, (301) 594-3663.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25196 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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 General Medical Sciences Initial Review Group, Biomedical Research and Research Training Review Committee A.

Date: November 5, 1999.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Irene B. Glowinski PhD, Scientific Review Administrator, Office of Scientific Review, National Institutes of General Medical Sciences, National Institutes

of Health, Natcher Building, Room 1A5-13, Bethesda, MD 20892, (301) 594-3663.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25197 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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: Minority Programs Review Committee, MBRS Review Subcommittee B.

Date: November 15-16, 1999.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael A. Sesma, PhD, Office of Scientific Review, NIGMS, Natcher Building, Room 1A519H, 45 Center Drive, Bethesda, MD 20892, (301) 594-2048.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25198 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; 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: Minority Programs Review Committee, MARC Review Subcommittee A.

Date: October 18-20, 1999.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Richard I. Martinez, PhD, Scientific Review Administrator, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 1A5-19G, Bethesda, MD 20892-6200, (301) 594-2849. (Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25199 Filed 9-27-99; 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 contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Resynthesis of Therapeutic Agents for Treatment of Infectious Diseases.

Date: October 8, 1999.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, Connecticut Room, 8120 Wisconsin Avenue, Bethesda, MD 20892-7610.

Contact Person: Nancy B. Saunders, 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, ns120v@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.

(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: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99-25201 Filed 9-27-99; 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 "Archway Clinic."

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 435-1439.

(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: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25202 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES**National Institutes of Health****National Institute of Dental & Craniofacial Research; Notice of Closed Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant

applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00-07, Review of R13 Grant.

Date: December 3, 1999.

Time: 10:00 am to 11:30 am.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN44F, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: H. George Hausch, PhD, Chief, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594-2372.

Name of Committee: National Institute of Dental Research Special Emphasis Panel 00-16, Review of R13 Grant.

Date: December 7, 1999.

Time: 3:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Natcher Building, Rm. 4AN 447, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yasaman Shirazi, PhD, 4500 Center Drive, Natcher Building, Rm. 4AN44F, National Institute of Dental & Craniofacial Res., Bethesda, MD 20892, (301) 494-2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25203 Filed 9-27-99; 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 Meetings**

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Health Services Research Subcommittee.

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Marina L. Volkov, PhD, Special Expert, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 435-1433.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Treatment Research Subcommittee.

Date: October 13, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Kesinee Nimit, MD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 435-1432.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Treatment Research.

Date: October 13, 1999.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, MD 20878.

Contact Person: Susan L. Coyle, PhD, Chief, Clinical, Epidemiological and Applied Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 443-2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Program Projects Review Committee.

Date: November 2, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Rita Liu, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 443-2620.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Training and Career Development Subcommittee.

Date: November 3-5, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington West End Marriott, 1221 22nd Street, NW, Washington, DC 20037.

Contact Person: Mark Swieter, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 435-1389.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Centers Review Committee.

Date: November 3, 1999.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Key Bridge Marriott, 1401 Lee Highway, Arlington, VA 22209.

Contact Person: Rita Liu, PhD, Health Scientist Administrator, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 20892-9547, (301) 443-2620.

Name of Committee: National Institute on Drug Abuse Initial Review Group, Medication Development Research Subcommittee.

Date: November 3, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089-2954, (301) 443-2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Training and Career Development.

Date: November 5, 1999.

Time: 9:00 a.m. to 1:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Washington West End Marriott, 1221 22nd Street, NW Washington, DC 20037.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089-2954, (301) 443-2620.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, SPIRCAP.

Date: November 16-17, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: Khursheed, Asghar, PhD, Chief, Basic Sciences Review Branch, Office of Extramural Program Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, Msc 9547, Bethesda, MD 29089-2954, (301) 443-2620.

(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: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25204 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group, Sociology Aging Review Committee.

Date: October 14, 1999.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 4300 Military Road, NW, Chevy Chase, MD 20015.

Contact Person: Mary Ann Guadagno, PhD, Health Scientist Administrator, Scientific Office of Review, Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

Name of Committee: National Institute on Aging Initial Review Group, Biological Aging Review Committee.

Date: October 18-19, 1999.

Time: 9:00 a.m. to 12:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: James P. Harwood, PhD, Deputy Chief, Scientific Review Office, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496-9666.

Name of Committee: National Institute on Aging Initial Review Group, Clinical Aging Review Committee.

Date: October 24–25, 1999.

Time: 6:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Pooks Hill Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814.

Contact Person: William A. Kachadorian, PhD, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2c212, Bethesda, MD 20892, (301) 496-9666.

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: September 21, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25205 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Molecular, Cellular and Developmental Neuroscience Initial Review Group, Visual Sciences C Study Section.

Date: October 11–12, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.

Contact Person: Carole L. Jelsema, PhD, Chief, MDCN Scientific Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5210, MSC 7850, Bethesda, MD 20892, (301) 435-1249, jelsemac@csr.nih.gov.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group, General Medicine B Study Section.

Date: October 12–13, 1999.

Time: 8 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.

Contact Person: Shirley Hilden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4218, MSC 7814, Bethesda, MD 20892, (301) 435-1198.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group, Oral Biology and Medicine Subcommittee 1.

Date: October 12–13, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Old Town Alexandria, 480 King Street, Alexandria, VA 22314.

Contact Person: Priscilla B. Chen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4104, MSC 7814, Bethesda, MD 20892, (301) 435-1787.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 12–13, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Doyle Hotel, 1500 New Hampshire Avenue, NW, Washington, DC 20036.

Contact Person: Joanne T. Fujii, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, Bethesda, MD 20892, (301) 435-1178, fujij@drj.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 12–13, 1999.

Time: 8:30 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Lee S. Mann, PhD, JD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, (301) 435-0677.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 12, 1999.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Hotel, 950 24th Street, NW, Washington, DC 20037.

Contact Person: Anita Miller Sostek, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435-0910.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1END01.

Date: October 12, 1999.

Time: 3 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Syed Amir, PhD, Scientific Review Administrator, Center for Scientific

Review, National Institutes of Health, 6701 Rockledge Drive, Room 6168, MSC 7892, Bethesda, MD 20892, (301) 435-1043.

Name of Committee: Biophysical and Chemical Sciences Initial Review Group, Medicinal Chemistry Study Section.

Date: October 13–15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Ronald J. Dubois, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, room 4156, MSC 7806, Bethesda, MD 20892, (301) 435-1722, duboisr@csr.nih.gov.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 3.

Date: October 13–14, 1999.

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: Gerhard Ehrenspeck, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5138, MSC 7840, Bethesda, MD 20892, (301) 435-1022, ehrenspeckg@nih.csr.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 13–15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Versailles III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Gamil C. Debbas, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5170, MSC 7844, Bethesda, MD 20892, (301) 435-1018.

Name of Committee: Oncological Sciences Initial Review Group, Chemical Pathology Study Section.

Date: October 13–15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Avenue, NW, Washington, DC 20007.

Contact Person: Syed Quadri, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4144, MSC 7804, Bethesda, MD 20892, (301) 435-1211.

Name of Committee: Integrative, Functional, and Cognitive Neuroscience Initial Review Group, Visual Sciences B Study Section.

Date: October 13–14, 1999.

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: Leonard Jakubczak, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5172, MSC 7844, Bethesda, MD 20892, (301) 435-1247.

Name of Committee: Health Promotion and Disease Prevention Initial Review Group, Epidemiology and Disease Control Subcommittee 1.

Date: October 13-15, 1999.

Time: 8:30 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Versailles, III, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: J. Scott Osborne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, (301) 435-1782.

Name of Committee: Genetic Sciences Initial Review Group, Genetics Study Section.

Date: October 14-15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, Kaleidoscope Room, 2101 Wisconsin Ave. NW, Washington, DC 20007.

Contact Person: David J. Remondini, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6154, MSC 7890, Bethesda, MD 20892, (301) 435-1038.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 1.

Date: October 14-15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, Bethesda, MD 20892, (301) 435-1023.

Name of Committee: Health Promotion and Disease Prevention Initial Review Group, Alcohol and Toxicology Subcommittee 3.

Date: October 14-15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Ave, Palladian West, Chevy Chase, MD 20815.

Contact Person: Christine Melchior, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4102, MSC 7816, Bethesda, MD 20892, (301) 435-1713.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14-15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435-1249, jelsemac@drg.nih.gov.

Name of Committee: Cardiovascular Sciences Initial Review Group, Hematology Subcommittee 1.

Date: October 14-15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7802, Bethesda, MD 20892, (301) 435-1195.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 5.

Date: October 14-15, 1999.

Time: 8 a.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Sherry L. Dupere, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5136, MSC 7840, Bethesda, MD 20892, (301) 435-1021, duperes@csr.nih.gov.

Name of Committee: Infectious Diseases and Microbiology Initial Review Group, Virology Study Section.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, Bethesda, MD 20017.

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.

Name of Committee: Biochemical Sciences Initial Review Group, Medical Biochemistry Study Section.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Town Center, 8727 Colesville Road, Silver Spring, MD 20910.

Contact Person: Alexander S. Liacouras, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5154, MSC 7842, Bethesda, MD 20892, (301) 435-1740.

Name of Committee: Infectious Diseases and Microbiology Initial Review Group, Tropical Medicine and Parasitology Study Section.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda Holiday Inn, 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Jean Hickman, PhD, Scientific Review Administrator, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4194, MSC 7808, Bethesda, MD 20892, (301) 435-1146.

Name of Committee: Cell Development and Function Initial Review Group, International and Cooperative Projects Study Section.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.

Contact Person: Sandy Warren, DMD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5134, MDC 7840, Bethesda, MD 20892, (301) 435-1019.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Victoria S. Levin, MSW, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3172, MSC 7848, Bethesda, MD 20892, (301) 435-0912, levinv@csr.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW, Washington, DC 20007.

Contact Person: Michael J. Kozak, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, (301) 435-0913.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Wyndham Bristol Hotel, 2430 Pennsylvania Avenue, NW, Washington, DC 20037.

Contact Person: Carl D. Banner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5212, MSC 7850, Bethesda, MD 20892, (301) 435-1251, bannerc@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1 IFCN-7 (01).

Date: October 14-15, 1999.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

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.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 15, 1999.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Inn, 1310 Wisconsin Ave., NW, Washington, DC 20007.

Contact Person: Carole L. Jelsema, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7850, Bethesda, MD 20892, (301) 435-1249, jelsemac@drg.nih.gov.

Name of Committee: Center for Scientific Review Special Emphasis Panel, ZRG1-HEM-1 (01).

Date: October 15, 1999.

Time: 1 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Robert T. Su, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4134, MSC 7840, Bethesda, MD 20892, (301) 435-1195.

Name of Committee: Surgery, Radiology and Bioengineering Initial Review Group, Diagnostic Imaging Study Section.

Date: October 17-19, 1999.

Time: 5 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Lee Rosen, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435-1171.

(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: September 20, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99-25200 Filed 9-27-99; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Call for Public Comment: Changing the Conversation—A National Plan To Improve Substance Abuse Treatment

AGENCY: Center for Substance Abuse Treatment, Substance Abuse and Mental Health Services Administration, DHHS.

ACTION: Request for public comment on five issues (domains) of concern to the substance abuse treatment field when assessing substance abuse treatment.

SUMMARY: This notice announces that the Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) is formally inviting public comment on five issues (domains) that are of concern to the substance abuse treatment field and require development and exploration. Via several mechanisms, including public hearings, CSAT intends that findings from the exploration of individual domains will ultimately be synthesized into a coherent national strategy to guide substance abuse treatment program and policy development for the future. Individuals and organizations are encouraged to comment in one of several ways: (1) In writing, by submission through the U.S. Mail or courier service; (2) via the National Treatment Plan web site (<http://www.NaTxPlan.org>); or (3) in person at one of the remaining two public hearings scheduled at locations across the country. The final cutoff date for comments is December 1, 1999. This notice discusses the public hearings at which interested individuals/organizations may testify regarding the five substance abuse treatment domains discussed below.

DATES/LOCATIONS: In addition to the public hearings held on July 8 in Hartford, Connecticut; September 16 in Chicago, Illinois; and October 18 in Washington, DC, CSAT plans to conduct two more public hearings in 1999—October 26 in Portland, Oregon, and November 8 in Tampa, Florida. The next hearing will be held at The Portland Building, 1120 S.W. Fifth Avenue, Meeting Room C-Second Floor, Portland, Oregon 97204, on October 26, 1999, between the hours of 8:30 a.m. and 5:00 p.m. Specific details regarding subsequent hearings will be published in the **Federal Register** approximately one month prior to each hearing.

Requests to testify at the Portland, Oregon, public hearing must be submitted to the addressee indicated below by October 20, 1999. Seating is limited. In the event that interpretive services for the hearing-impaired are required, please indicate these special needs to the addressee.

FOR FURTHER INFORMATION CONTACT: Requests for additional information regarding the hearing and/or testimonies, as well as requests to testify must be addressed to: Carol Coley, [Tele: (301) 443-6539; e-mail: ccoley@samhsa.gov; Fax: (301) 443-

8345], Center for Substance Abuse Treatment, SAMHSA, Rockwall II Building, Suite 880, 5600 Fishers Lane, Rockville, Maryland 20857.

Written comments (without a request to personally testify) will also be accepted by the above addressee.

Written testimonies are limited to five (5) typed pages using 1.5 line spacing and 12 point font.

SUPPLEMENTARY INFORMATION:

Background

Building on recent advances and studies, CSAT has initiated plans to focus on how to apply its extensive knowledge to the practical objective of improving treatment outcomes. The plans include synthesizing current knowledge and recommendations about treatment, service systems, application of best practices, diffusion methods, and organization and financing of substance abuse treatment services. Federal Government and outside experts, as well as the interested public, will explore the current state of the knowledge, resources, needs, and service and organizational capacity. The objective is the culling of priorities for action by the government and by others in the substance abuse treatment field. As noted above, CSAT is inviting the public to comment on five domains as part of the initial step of the plan. The domains, as well as some initial questions for exploration, include:

(1) Closing the Treatment Gap

Where are the gaps? How big are they for different populations? For different types of settings and treatment modalities? How big are gaps in other related systems of care, e.g., welfare, child welfare, housing? What are the policy, organization, and financing issues that must be addressed in the private and public systems, including Medicaid and Medicare, to close the treatment gap?

(2) Reducing Stigma and Changing Attitudes

What are the nature, causes and consequences of addiction stigma? What can CSAT, the treatment field, consumers and families do to address stigma related to addiction, substance abuse treatment and individuals with substance abuse disorders? How do other stigmas impact/compound the stigma of addiction?

(3) Improving and Strengthening Treatment Systems

What are the clinical and organizational challenges facing treatment organizations in the public and private sectors? What can CSAT,

the treatment field, consumers and families do to improve and strengthen treatment organizations so that they can adapt to the new imperatives of the changing treatment system, and to improve the relationship between the general health care system and the specialty substance abuse treatment system? What should be done at the State, county and/or local levels to improve and strengthen substance abuse treatment?

(4) *Connecting Services and Research*

What are the best methods by which CSAT, the treatment field, consumers and families can foster and support evaluation of proven research findings in community-based settings and identification and adoption of best practices?

(5) *Addressing Workforce Issues*

What are the issues facing clinicians treating addictions? What can CSAT, the treatment field, consumers and families, and professional associations do to foster training, appropriate credentialing, and licensure in all settings in which treatment occurs, and to support treatment organizations in developing appropriate policies for clinical training?

Hearing Format

The hearings will be divided into five segments (*i.e.*, the five domains described above) of approximately 60 minutes each. Each individual/organization participant will be limited to three (3) minutes of oral testimony and five (5) pages of typed testimony per domain. All oral testimonies must be accompanied by a written testimony of no more than five (5) typed pages using 1.5 line spacing and 12 point font. Five copies of written testimonies may either be submitted before the hearing to the addressee listed above or to the registrar at the hearing. As the hearing schedule allows, unscheduled testimonies will be accommodated. All testimonies (recorded and written) will become a part of the public domain.

Dated: September 22, 1999.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 99-25229 Filed 9-27-99; 8:45 am]

BILLING CODE 4162-20-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4486-D-01]

Delegation and Redelelegation of Authority To Award and Administer Native American Rural Housing and Economic Development Grant Funds

AGENCY: Office of the Secretary, HUD.

ACTION: Notice of delegation and redelegation of authority.

SUMMARY: In this notice, the Secretary of Housing and Urban Development delegates the power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds to the Assistant Secretary for Public and Indian Housing. The Assistant Secretary for Public and Indian Housing redelegates this power and authority to the Deputy Assistant Secretary for Native American Programs, who further redelegates certain specific power and authority, as noted herein, to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation.

EFFECTIVE DATE: September 9, 1999.

FOR FURTHER INFORMATION CONTACT: Jennifer Bullough, Office of Native American Programs, Office of Public and Indian Housing, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW, Room 4130, Washington, DC 20410. Telephone number: (202) 401-7914 (this is not a toll-free number). Hearing or speech-impaired persons may access this number via TTY by calling the toll-free Federal Information Relay Service at 1-800-877-8339.

SUPPLEMENTARY INFORMATION: The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1998 (Pub. L. 105-65, approved October 27, 1997; 111 Stat. 1344) (the "FY 1998 HUD Appropriations Act") contained the following provision:

Of the [\$4,675,000,000] made available under this heading, \$25,000,000 shall be made available for the Secretary [of HUD], in consultation with the Secretary of Agriculture, to make grants, not to exceed \$4,000,000 each, for rural and tribal areas, including at least one Native American area in Alaska and one rural area in each of the States in Iowa and Missouri, to test comprehensive approaches to developing a job base through economic development, developing affordable low- and moderate-income rental and homeownership housing, and increasing the investment of both private and nonprofit capital.

HUD refers to those portions of the above-referenced grant funding that are designated specifically for Native Americans as the Native American Rural Housing and Economic Development Initiative grant funds. This document delegates and redelegates power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds.

The present action delegates from the Secretary of Housing and Urban Development to the Assistant Secretary for Public and Indian Housing the Secretary's power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to sue or be sued. The Assistant Secretary for Public and Indian Housing redelegates this power and authority to the Deputy Assistant Secretary for Native American Programs, except for the authority to terminate grants pursuant to 24 CFR 85.43. The Deputy Assistant Secretary for Native American Programs further redelegates certain specific authority, as noted herein, to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation.

Accordingly, the Secretary delegates, the Assistant Secretary for Public and Indian Housing redelegates, and the Deputy Assistant Secretary for Native American Programs redelegates as follows:

Section A. Authority Delegated

The Secretary of the Department of Housing and Urban Development delegates to the Assistant Secretary for Public and Indian Housing all power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to sue or be sued.

Section B. Authority Redelegated

The Assistant Secretary for Public and Indian Housing redelegates to the Deputy Assistant Secretary for Native American Programs all power and authority to award and administer the Native American Rural Housing and Economic Development Initiative grant funds, except for the authority to terminate grants pursuant to 24 CFR 85.43.

Section C. Authority Further Redelegated

The Deputy Assistant Secretary for Native American Programs redelegates

to the Alaska Office of Native American Programs Administrator; the Director, Office of Loan Guarantees; the Director, Office of Grants Management; and the Director, Office of Grants Evaluation the following power and authority with respect to the Native American Rural Housing and Economic Development Initiative grant funds:

(1) Execute all necessary agreements, including, but not limited to, grant agreements;

(2) Review performance reports submitted by the grantee and issue reports based upon such review; and

(3) All other authority necessary to carry out the purposes of the program which have not been excepted from this notice.

Authority: Section 7(d), Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: September 9, 1999.

Andrew Cuomo,
Secretary.

Dated: September 9, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

Dated: September 9, 1999.

Jacqueline Johnson,

Deputy Assistant Secretary for Native American Programs.

[FR Doc. 99-25089 Filed 9-27-99; 8:45 am]

BILLING CODE 4210-32-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath Fishery Management Council; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The Klamath Fishery Management Council makes recommendations to agencies that regulate harvest of anadromous fish in the Klamath River Basin. The objective of this meeting is to review the progress of the 1999 Klamath chinook salmon fishing season and plan for fishery management in 2000. The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 9 a.m. to 5 p.m. on Tuesday, October 5,

1999; from 8 a.m. to 5 p.m. on Wednesday, October 6, 1999; and from 8 a.m. to 12 p.m. on Thursday, October 7, 1999.

PLACE: The meeting will be held at the Yurok Tribal Office, Weitchpec, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097-1006, telephone (530) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Klamath Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: September 16, 1999.

Mary Ellen Mueller,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 99-25138 Filed 9-27-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath River Basin Fisheries Task Force; Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. I), this notice announces a meeting of the Klamath River Basin Fisheries Task Force, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The meeting is open to the public.

DATES: The Klamath River Basin Fisheries Task Force (Task Force) will meet from 8 a.m. to 5 p.m. on Thursday, October 14, 1999, and from 8 a.m. to 4 p.m. on Friday, October 15, 1999.

PLACE: The meeting will be held at the Miner's Inn, 122 East Miner Street, Yreka, California.

FOR FURTHER INFORMATION CONTACT: Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097-1006, telephone (530) 842-5763.

SUPPLEMENTARY INFORMATION: For background information on the Task Force, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: September 16, 1999.

Dan Walsworth,

Manager, California/Nevada Office.

[FR Doc. 99-25142 Filed 9-27-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Geological Survey

Technology Transfer Act of 1986

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of proposed Cooperative Research and Development Agreement (CRADA) negotiations.

SUMMARY: The United States Geological Survey (USGS) is planning to enter into a Cooperative Research and Development Agreement (CRADA) with Clean Lakes, Inc. d.b.a. Aquatics, Martinez, California. The purpose of the CRADA is to perform research and development in the monitoring of East African aquatic ecosystems. The primary result of this CRADA will be the development and demonstration of technology that enables the monitoring of water hyacinth in Lake Victoria by governments in Kenya, Uganda, Tanzania, and Rwanda. Any other organization interested in pursuing the possibility of a CRADA for similar kinds of activities should contact the USGS. **ADDRESSES:** Inquiries may be addressed to the Senior Scientist for Geographic and Cartographic Research, U.S. Geological Survey, 500 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192; Telephone (703) 648-5084, facsimile (703) 648-4706; Internet "blowell@usgs.gov".

FOR FURTHER INFORMATION CONTACT: Brent Lowell, address above.

SUPPLEMENTARY INFORMATION: This notice is to meet the USGS requirement stipulated in the Survey Manual.

Dated: September 12, 1999.

Kathryn R. Clement,

Associate Chief for Operations, National Mapping Division.

[FR Doc. 99-25096 Filed 9-27-99; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Species at Risk Program

AGENCY: U.S. Geological Survey.

ACTION: Notice of availability.

SUMMARY: The U.S. Geological Survey is announcing the availability of funds through the Species at Risk Program (SAR). The basic purpose of SAR is to

fund short-term research and assessment projects to generate information that allows development of conservation agreements, action plans, and management alternatives that provide for the protection of flora and fauna and their habitats and thereby reduce the need for listing species as threatened or endangered.

DATES: Information packages describing requirements for participation in this program will be available upon request until October 29, 1999. Pre-proposals are due to the address below by November 1, 1999.

ADDRESSES: Parties interested in this program should request an information package from: Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192 ATTN: Dr. Al Sherk.

FOR FURTHER INFORMATION CONTACT: Dr. Al Sherk, Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192; Al_Sherk@usgs.gov; or 703-648-4076.

SUPPLEMENTARY INFORMATION:

A. Purpose

Species at Risk (SAR) is a program that develops scientific information on the status of sensitive species or groups of species, particularly with respect to the relationship of species abundance and distribution to habitat conditions and environmental stresses. The basic purpose of SAR is to generate information that allows the development of conservation agreements, action plans, management alternatives, etc., to provide for the protection of species and their habitats and thereby preclude the need for listing species as threatened or endangered.

The initiative provides an opportunity for scientists to participate through survey and research activities. Projects are specifically intended to be of short duration and should seek to optimize partnerships with Federal agencies, states, universities, and the private sector. Successful SAR projects are often conducted by investigators who have identified key, small but critical gaps in our biological knowledge. Projects provide resource managers, regulators, and private landowners with usable information for which prudent resource management decisions can be based. Projects must be new, self-contained work designated to be completed, including the final report, within 18 months.

Projects must focus on species or groups of species for which there is concern but limited information. Projects that focus on groups of species

within the same habitat or ecosystem are encouraged. Projects should identify or develop new information that will reduce the need for a formal listing under the Endangered Species Act of 1982, as amended. Regional and national offices of the U.S. Fish and Wildlife Service have provided a list of species or groups and their management needs. Projects must focus on these species or groups and demonstrate how they support management needs. Principal investigators are encouraged to communicate directly with USFWS regional contacts before project submission.

This program is conducted in furtherance of the Secretary's obligations under the Fish and Wildlife Act of 1956 (16 U.S.C. 742a-742j, as amended) and the Fish and Wildlife Coordination Act (16 U.S.C. 661-667e, as amended).

B. Background

The U.S. Geological Survey gathers and analyzes biological information and serves as an information clearinghouse, providing broad access to the widest possible range of factual data on the status and trends on the Nation's biota and the potential effects of land management choices. This information serves public and private landowners who are interested in sustaining biological resources. It also provides understanding to help avoid conflicts that can both impede development and degrade natural habitats.

The Species at Risk Program will develop scientific information and alternatives to assist Federal, State, and other land managers in their decisions regarding the protection of sensitive species and habitats.

C. Availability of Funds

Through this program, pre-proposals are invited for funding in Fiscal Year 2000 from non-Federal research, scientific or technical organizations. Total funding anticipated for the fiscal year is approximately \$370,000. Monies will be provided to successful applicants on a competitive basis. There is no minimum project cost; the maximum project cost will be \$80,000.

Funds for this program are not currently available. Funding of the program is contingent on a Fiscal Year 2000 appropriation.

D. Eligibility Requirements

Under the terms specified in the information package, pre-proposals will be accepted from State agencies, private and industry groups, academic institutions, and Native American Tribes and Nations. Pre-proposals will

be evaluated in light of their relevance to an identified management need, partnership opportunities, potential for providing useful information to resource managers, potential for conservation agreements, possibilities for cost sharing, and demonstration of successful completion within 18 months of date of initiation. Possible selectees will then be invited to submit a full project proposal for scientific peer review and consideration of funding.

E. Application Process

Parties interested in participating in this program should request an information package that will include detailed application forms, Federal Assistance forms (Standard Form 424, etc.), proposal format requirements, etc., from:

Mail: Species at Risk Program, U.S. Geological Survey, 12201 Sunrise Valley Drive, MS 300, Reston, VA 20192, ATTN: Dr. Al Sherk, or E-Mail: Al_Sherk@usgs.gov, or Call: (703) 648-4076.

F. Dates

Notice of interest in this program must be received by October 29, 1999.

Susan D. Haseltine,

Associate Chief Biologist for Science.

[FR Doc. 99-25097 Filed 9-27-99; 8:45 am]

BILLING CODE 4310-Y7-M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Meeting of the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, WA

AGENCY: Department of the Interior.

ACTION: Notice of meeting.

SUMMARY: As required by the Federal Advisory Committee Act, notice is hereby given that the Conservation Advisory Group, Yakima River Basin Water Enhancement Project, Yakima, Washington, established by the Secretary of the Interior, will hold a public meeting. The purpose of the Conservation Advisory Group is to provide technical advice and counsel to the Secretary and the State on the structure, implementation, and oversight of the Yakima River Basin Water Conservation Program.

DATES: Thursday, October 14, 1999, 9 a.m.-4 p.m.

ADDRESSES: Bureau of Reclamation Office, 1917 March Road, Yakima, Washington.

FOR FURTHER INFORMATION CONTACT: Alan L. Scherzinger, Acting Manager,

Yakima River Basin Water Enhancement Project, P.O. Box 1749, Yakima, Washington, 98907; (509) 575-5848, extension 265.

SUPPLEMENTARY INFORMATION: The purpose of the meeting will be to review water marketing opportunities in the Yakima River Basin and develop recommendations. Progress Reports will be provided on the Basin Conservation Plan and the Yakima River Basin Wetlands and Floodplain Habitat Plan.

Dated September 22, 1999.

Rick Parker,

Acting Area Manager.

[FR Doc. 99-25223 Filed 9-27-99; 8:45 am]

BILLING CODE 4310-94-M

DEPARTMENT OF JUSTICE

[AAG/A Order No. 170-99]

Privacy Act of 1974; Notice of Modified Systems of Records

Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget (OMB) Circular No. A-130, notice is given that the Department of Justice, Federal Bureau of Investigation (FBI), is modifying the following system of records which was last published in the **Federal Register** on April 20, 1995 (60 FR 19775):

National Crime Information Center (NCIC), JUSTICE/FBI-001.

Also being modified is the following system of records which was last published in the **Federal Register** on February 20, 1996 (61 FR 6386):

Fingerprint Identification Records Systems (FIRS), JUSTICE/FBI-009.

The FBI has made revisions to these systems of records to update information about these systems, make editorial adjustments to existing language, confirm in clearer language the categories of agencies that participate in the exchange of records through these systems, and add three new routine uses for both systems. A brief description of these changes is provided below.

The two systems of records are being modified to update the location of the systems and denote the exact street address of the system manager. Both notices are also being revised to clarify existing language through minor editorial adjustments and to confirm in clearer language the authorized participation in these systems, and the availability of system records, to tribal, foreign, and international agencies, in addition to local, state, and federal agencies. Three routine uses have been added to allow disclosure of information maintained in these

systems: To criminal justice agencies to conduct background checks under the National Instant Criminal Background Check System (NICS); to noncriminal justice government agencies, subject to appropriate controls, performing criminal justice dispatching functions or data processing/information services for a criminal justice dispatching functions or data processing/information services for a criminal justice agency; and to a private entity, subject to appropriate controls and under a specific agreement with an authorized governmental agency to perform an administration of criminal justice function (privatization). (In addition to the above changes, the FBI is currently reviewing additional changes to better describe new capabilities and practices, to be promulgated in a future notice.) Revisions to 28 CFR parts 0, 16, 20 and 50 which underlie these changes are being implemented in the Rules section of today's **Federal Register**.

The Privacy Act (5 U.S.C. 552a (e)(4) and (11)) requires that the public be given 30 days in which to comment on any new or intended uses of information in a system of records. In addition, OMB, which has oversight responsibilities under the Act, requires that OMB and the Congress be given 40 days in which to review major changes to the system.

Therefore, the public, OMB, and the Congress are invited to submit written comments to Mary E. Cahill, Management Analyst, Management and Planning Staff, Justice Management Division, Department of Justice, 1400 National Place, Washington, DC 20530.

In accordance with Privacy Act requirements (5 U.S.C. 552a(r)), the Department of Justice has provided a report on the modified system to OMB and the Congress.

Dated: July 27, 1999.

Stephen R. Colgate,

Assistant Attorney General for Administration.

JUSTICE/FBI 001

SYSTEM NAME:

National Crime Information Center (NCIC).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Wanted Persons:

1. Individuals for whom federal warrants are outstanding.

2. Individuals who have committed or have been identified with an offense which is classified as a felony or serious misdemeanor under the existing penal statutes of the jurisdiction originating the entry and for whom a felony or misdemeanor warrant has been issued with respect to the offense which was the basis of the entry. Probation and parole violators meeting the foregoing criteria.

3. A "Temporary Felony Want" may be entered when a law enforcement agency has need to take prompt action to establish a "want" entry for the apprehension of a person who has committed, or the officer has reasonable grounds to believe has committed, a felony and who may seek refuge by fleeing across jurisdictional boundaries and circumstances preclude the immediate procurement of a felony warrant. A "Temporary Felony Want" shall be specifically identified as such and subject to verification and support by a proper warrant within 48 hours following the entry of a temporary want. The agency originating the "Temporary Felony Want" shall be responsible for subsequent verification or re-entry of a permanent want.

4. Juveniles who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued. Juveniles who have been charged with the commission of a delinquent act that would be a crime if committed by an adult, and who have fled from the state where the act was committed.

5. Individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country.

6. Individuals who have committed or have been identified with an offense committed in Canada and for whom a Canada-Wide Warrant has been issued which meets the requirements of the Canada-U.S. Extradition Treaty, 18 U.S.C. 3184.

B. Individuals who have been charged with serious and/or significant offenses:

1. Individuals who have been fingerprinted and whose criminal history record information has been obtained.

2. Violent Felons: Persons with three or more convictions for a violent felony or serious drug offense as defined by 18 U.S.C. 924(e).

C. Missing Persons:

1. A person of any age who is missing and who is under proven physical/

mental disability or is senile, thereby subjecting that person or others to personal and immediate danger.

2. A person of any age who is missing under circumstances indicating that the disappearance was not voluntary.

3. A person of any age who is missing under circumstances indicating that that person's physical safety may be in danger.

4. A person of any age who is missing after a catastrophe.

5. A person who is missing and declared unemancipated as defined by the laws of the person's state of residence and does not meet any of the entry criteria set forth in 1-4 above.

D. Individuals designed by the U.S. Secret Service as posing a potential danger to the President and/or other authorized protectees.

E. Members of Violent Criminal Gangs: Individuals about whom investigation has developed sufficient information to establish membership in a particular violent criminal gang by either:

1. Self admission at the time of arrest or incarceration, or

2. Any two of the following criteria:
a. Identified as a gang member by a reliable informant;

b. Identified as a gang member by an informant whose information has been corroborated;

c. Frequents a gang's area, associates with known members, and/or affects gang dress, tattoos, or hand signals;

d. Has been arrested multiple times with known gang members for offenses consistent with gang activity; or

e. Self admission (other than at the time of arrest or incarceration).

F. Members of Terrorist Organizations: Individuals about whom investigation has developed sufficient information to establish membership in a particular terrorist organization using the same criteria listed above in paragraph E, items 1 and 2 a-e, as they apply to members of terrorist organizations rather than members of violent criminal gangs.

G. Unidentified Persons:

1. Any unidentified deceased person.
2. Any person who is living, but whose identity has not been ascertained (e.g., infant, amnesia victim).

3. Any unidentified catastrophe victim.

4. Body parts when a body has been dismembered.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Stolen Vehicle File:

1. Stolen vehicles.
2. Vehicles wanted in conjunction with felonies or serious misdemeanors.
3. Stolen vehicle parts including certificates of origin or title.

B. Stolen License Plate File.

C. Stolen Boat File.

D. Stolen Gun File:

1. Stolen guns.
2. Recovered guns, when ownership of which has not been established.

E. Stolen Article File.

F. Securities File:

1. Serially numbered stolen, embezzled, or counterfeited securities.
2. "Securities" for present purposes of this file are currency (e.g., bills, bank notes) and those documents or certificates which generally are considered to be evidence of debt (e.g., bonds, debentures, notes) or ownership of property (e.g., common stock, preferred stock), and documents which represent subscription rights, warrants and which are of the types traded in the securities exchanges in the United States, except for commodities futures. Also included are warehouse receipts, travelers checks and money orders.

G. Wanted Person File: Described in "Categories of individuals covered by the system: A. Wanted Persons, 1-4."

H. Foreign Fugitive File: Identification data regarding persons who are fugitives from foreign countries, who are described in "Categories of individuals covered by the system: A. Wanted Persons, 5 and 6."

I. Interstate Identification Index File: A cooperative federal-state program for the interstate exchange of criminal history record information for the purpose of facilitating the interstate exchange of such information among criminal justice agencies: Described in "Categories of individuals covered by the system: B. 1."

J. Identification records regarding persons enrolled in the United States Marshals Service Witness Security Program who have been charged with serious and/or significant offenses. Described in "Categories of individuals covered by the system: B."

K. Bureau of Alcohol, Tobacco, and Firearms (BATF) Violent Felon File: Described in "Categories of individuals covered by the system: B.2."

L. Missing Person File: Described in "Categories of individuals covered by the system: C. Missing Persons."

M. U.S. Secret Service Protective File: Described in "Categories of individuals covered by the system: D."

N. Violent Criminal Gang File: A cooperative federal-state program for the interstate exchange of criminal gang information. For the purpose of this file, a "gang" is defined as a group of three or more persons with a common interest, bond, or activity characterized by criminal delinquent conduct. Described in "Categories of individuals covered by the system: E. Members of Violent Criminal Gangs."

O. Terrorist File: A cooperative federal-state program for the exchange of information about terrorist organizations and individuals. For the purposes of this file, "terrorism" is defined as activities that involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or any state or would be a criminal violation if committed within the jurisdiction of the United States or any states, which appear to be intended to:

1. Intimidate or coerce a civilian population,
2. Influence the policy of a government by intimidation or coercion, or

3. Affect the conduct of a government by crimes or kidnaping. Described in "Categories of individuals covered by the system: F. Members of Terrorist Organizations."

P. Unidentified Person File: Described in "Categories of individuals covered by the system: G. Unidentified Persons."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained in accordance with 28 U.S.C. 534; 28 CFR part 20; Department of Justice Appropriation Act, 1973, Pub. L. 92-544, 86 Stat. 1115; Securities Acts Amendment of 1975, Pub. L. 94-29, 89 Stat. 97; and 18 U.S.C. 924 (e). Exec. Order No. 10450, 3 CFR (1974).

PURPOSE(S):

The purpose for maintaining the NCIC system of records is to provide a computerized data base for ready access by a criminal justice agency making an inquiry and for prompt disclosure of information in the system from other criminal justice agencies about crimes and criminals. This information assists authorized agencies in criminal justice objectives, such as apprehending fugitives, locating missing persons, locating and returning stolen property, as well as in the protection of the law enforcement officers encountering the individuals described in the system.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Data in NCIC files is exchanged with and for the official use of authorized officials of the federal government, the states, cities, penal and other institutions, and certain foreign governments. The data is exchanged most frequently, but not exclusively, through NCIC lines to federal criminal justice agencies, criminal justice agencies in the 50 states, the District of Columbia, Puerto Rico, U.S. Possessions, U.S. Territories, and

certain authorized foreign and international criminal justice agencies. Criminal history data is disseminated to non-criminal justice agencies for use in connection with licensing for local/state employment or other uses, but only where such dissemination is authorized by federal or state statute and approved by the Attorney General of the United States.

Data in NCIC files, other than the information described in "Categories of records in the system: I, J, K, M, N, and O" is disseminated to:

(1) A nongovernmental agency or subunit thereof which allocates a substantial part of its annual budget to the administration of criminal justice, whose regularly employed peace officers have full police powers pursuant to state law and have complied with the minimum employment standards of governmentally employed police officers as specified by state statute;

(2) A noncriminal justice governmental department of motor vehicle or driver's license registry established by a statute, which provides vehicle registration and driver record information to criminal justice agencies;

(3) A governmental regional dispatch center, established by a state statute, resolution, ordinance or Executive order, which provides communications services to criminal justice agencies; and

(4) The National Insurance Crime Bureau (NICB), a nongovernmental nonprofit agency which acts as a national clearinghouse for information on stolen vehicles and offers free assistance to law enforcement agencies concerning automobile thefts, identification and recovery of stolen vehicles.

Disclosures of information from this system, as described in (1) through (4) above, are for the purpose of providing information to authorized agencies to facilitate the apprehension of fugitives, the location of missing persons, the location and/or return of stolen property, or similar criminal justice objectives.

Information on missing children, missing adults who were reported missing while children, and unidentified living and deceased persons may be disclosed to the National Center for Missing and Exploited Children (NCMEC). The NCMEC is a nongovernmental, nonprofit, federally funded corporation, serving as a national resource and technical assistance clearinghouse focusing on missing and exploited children. Information is disclosed to NCMEC to assist it in its efforts to

provide technical assistance and education to parents and local governments regarding the problems of missing and exploited children, and to operate a nationwide missing children hotline to permit members of the public to telephone the Center from anywhere in the United States with information about a missing child.

System records may be disclosed to criminal justice agencies for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

System records may be disclosed to noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

System records may be disclosed to private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be exercised by the FBI Director (or the Director's designee).

In addition, information may be released to the news media and the public pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy;

System records may be disclosed to a Member of Congress or staff acting on the member's behalf when the member or staff requests the information on behalf of and at the request of the individual who is the subject of the record; and,

System records may be disclosed to the National Archives and Records Administration and the General Services Administration for records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information maintained in the NCIC system is stored electronically for use in a computer environment.

RETRIEVABILITY:

On line access to data in NCIC is achieved by using the following search descriptors:

- A. Stolen Vehicle File:
 1. Vehicle identification number;
 2. Owner applied number;
 3. License plate number;
 4. NCIC number (unique number assigned by NCIC computer to each NCIC record.)
- B. Stolen License Plate File:
 1. License plate number;
 2. NCIC number.
- C. Stolen Boat File:
 1. Registration document number;
 2. Hull serial number;
 3. Owner applied number;
 4. NCIC number.
- D. Stolen Gun File:
 1. Serial number of gun;
 2. NCIC number.
- E. Stolen Article File:
 1. Serial number of article;
 2. Owner applied number;
 3. NCIC number.
- F. Securities File:
 1. Type, serial number, denomination of security, and issuer for other than U.S. Treasury issues and currency;
 2. Type of security and name of owner of security;
 3. Social Security number of owner of security (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
 4. NCIC number.
- G. Wanted Person File:
 1. Name and one of the following numerical identifiers:
 - a. Date of birth;
 - b. FBI number (number assigned by the Federal Bureau of Investigation to an arrest fingerprint record);
 - c. Social Security number (it is noted the requirements of the Privacy Act with regard to the solicitation of Social Security numbers have been brought to the attention of the members of the NCIC system);
 - d. Operator's license number (driver's number);
 - e. Miscellaneous identifying number (military number or number assigned by federal, state, or local authorities to an individual's record);
 - f. Originating agency case number;
 2. Vehicle or license plate known to be in the possession of the wanted person;

3. NCIC number.

H. Foreign Fugitive File: See G, above.

I. Interstate Identification Index File:

1. Name, sex, race, and date of birth;

2. FBI number;

3. State identification number;

4. Social Security number;

5. Miscellaneous identifying number.

J. Witness Security Program File: See G, above.

K. BATF Violent Felon File: See G, above.

L. Missing Person file: See G, above, plus the age, sex, race, height and weight, eye and hair color of the missing person.

M. U.S. Secret Service Protective File: See G, above.

N. Violent Criminal Gang File: See G, above.

O. Terrorist File: See G, above.

P. Unidentified Person File: The age, sex, race, height and weight, eye and hair color of the unidentified person.

SAFEGUARDS:

Data stored in the NCIC is documented criminal justice agency information and access to that data is restricted to duly authorized users. The following security measures are the minimum to be adopted by all authorized users having access to the NCIC.

Interstate Identification Index (III) File. These measures are designed to prevent unauthorized access to the system data and/or unauthorized use of data obtained from the computerized file.

1. Computer Center.

a. The authorized user's computer site must have adequate physical security to protect against any unauthorized personnel gaining access to the computer equipment or to any of the stored data.

b. Since personnel at these computer centers can have access to data stored in the system, they must be screened thoroughly under the authority and supervision of an NCIC control terminal agency. (This authority and supervision may be delegated to responsible criminal justice agency personnel in the case of a satellite computer center being serviced through a state control terminal agency.) This screening will also apply to non-criminal justice maintenance or technical personnel.

c. All visitors to these computer centers must be accompanied by staff personnel at all times.

d. Computers having access to the NCIC must have the proper computer instructions written and other built-in controls to prevent criminal history data from being accessible to any terminals other than authorized terminals.

e. Computers having access to the NCIC must maintain a record of all transactions against the criminal history file in the same manner the NCIC computer logs all transactions. The NCIC identifies each specific agency entering or receiving information and maintains a record of those transactions. This transaction record must be monitored and reviewed on a regular basis to detect any possible misuse of criminal history data.

f. Each State Control terminal shall build its data system around a central computer, through which each inquiry must pass for screening and verification. The configuration and operation of the center shall provide for the integrity of the data base.

2. Communications:

a. Lines/channels being used to transmit criminal history information must be dedicated solely to criminal justice, i.e., there must be no terminals belonging to agencies outside the criminal justice system sharing these lines/channels.

b. Physical security of the lines/channels must be protected to guard against clandestine devices being utilized to intercept or inject system traffic.

3. Terminal Devices Having Access to NCIC:

a. All authorized users having terminal on this system must be required to physically place these terminals in secure locations within the authorized agency.

b. The authorized users having terminals with access to criminal history must screen terminal operators and restrict access to the terminal to a minimum number of authorized employees.

c. Copies of criminal history data obtained from terminal devices must be afforded security to prevent any unauthorized access to or use of the data.

d. All remote terminals on NCIS III will maintain a manual or automated log of computerized criminal history inquiries with notations of individuals making requests for records for a minimum of one year.

RETENTION AND DISPOSAL:

Unless otherwise removed, records will be retained in files as follows:

A. Vehicle File:

a. Unrecovered stolen vehicle records (including snowmobile records) which do not contain vehicle identification numbers (VIN) or Owner-applied number (OAN) therein, will be purged from file 90 days after date of entry. Unrecovered stolen vehicle records (including snowmobile records) which

contain VINS or OANs will remain in file for the year of entry plus 4.

b. Unrecovered vehicles wanted in conjunction with a felony will remain in file for 90 days after entry. In the event a longer retention period is desired, the vehicle must be reentered.

c. Unrecovered stolen VIN plates, certificates of origin or title, and serially numbered stolen vehicle engines or transmissions will remain in file for the year of entry plus 4. (Job No. NC1-65-82-4, Part E. 13 h. (12))

B. License Plate File: Unrecovered stolen license plates will remain in file for one year after the end of the plate's expiration year as shown in the record. (Job no. NC1-65-82-4, Part E. 13 h. (2))

C. Boat file: Unrecovered stolen boat records, which contain a hull serial number or an OAN, will be retained in file for the balance of the year entered plus 4. Unrecovered stolen boat records which do not contain a hull serial number or an OAN will be purged from file 90 days after date of entry. (Job No. NC1-65-82-4, Part E. 13 h. (6))

D. Gun File:

a. Unrecovered weapons will be retained in file for an indefinite period until action is taken by the originating agency to clear the record.

b. Weapons entered in file as "recovered" weapons will remain in file for the balance of the year entered plus 2. (Job No. NC1-65-82-4, Part E. 13 h. (3))

E. Article File: Unrecovered stolen articles will be retained for the balance of the year entered plus one year. (Job No. NC1-65-82-4, Part E. 13 h. (4))

F. Securities File: Unrecovered stolen, embezzled or counterfeited securities will be retained for the balance of the year entered plus 4, except for travelers checks and money orders, which will be retained for the balance of the year entered plus 2. (Job No. NC1-65-82-4, Part E. 13 h. (5))

G. Wanted Person File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record (except "Temporary Felony Wants", which will be automatically removed from the file after 48 hours". (Job No. NC1-65-87-114, Part E. 13 h. (7))

H. Foreign Fugitive File: Person not located will remain in file indefinitely until action is taken by the originating agency to clear the record.

I. Interstate Identification Index File: When an individual reaches age of 99. (Job No. N1-65-95-03)

J. Witness Security Program File: Will remain in file until action is taken by the U.S. Marshals Service to clear or cancel the records.

K. **BATF Violent Felon File:** Will remain in file until action is taken by the BATF to clear or cancel the records.

L. **Missing Persons File:** Will remain in the file until the individual is located or action is taken by the originating agency to clear the record. (Job No. NC1-65-87-11, Part E 13h (8))

M. **U.S. Secret Service Protective File:** Will be retained until names are removed by the U.S. Secret Service.

N. **Violent Criminal Gang File:** Records will be subject to mandatory purge if inactive for five years.

O. **Terrorist File:** Records will be subject to mandatory purge if inactive for five years.

P. **Unidentified Person File:** Will be retained for the remainder of the year of entry plus 9.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW., Washington, DC 20535-0001.

NOTIFICATION PROCEDURE:

Same as the above.

RECORD ACCESS PROCEDURES:

It is noted the Attorney General has exempted this system from the access and contest procedures of the Privacy Act. However, the following alternative procedures are available to a requester. The procedures by which an individual may obtain a copy of his or her criminal history record from a state or local criminal justice agency are detailed in 28 CFR 20.34 appendix and are essentially as follows:

If an individual has a criminal record supported by fingerprints and that record has been entered in the III System, it is available to that individual for review, upon presentation of appropriate identification and in accordance with applicable state and federal administrative and statutory regulations.

Appropriate identification includes being fingerprinted for the purpose of insuring that the individual is who the individual purports to be. The record on file will then be verified through comparison of fingerprints.

Procedure:

1. All requests for review must be made by the subject of the record through a law enforcement agency which has access to the III System. That agency within statutory or regulatory limits can require additional identification to assist in securing a positive identification.

2. If the cooperating law enforcement agency can make an identification with fingerprints previously taken which are

on file locally and if the FBI identification number of the individual's record is available to that agency, it can make an on-line inquiry through NCIC to obtain the III System record or, if it does not have suitable equipment to obtain an on-line response, obtain the record from Clarksburg, West Virginia, by mail. The individual will then be afforded the opportunity to see that record.

3. Should the cooperating law enforcement agency not have the individual's fingerprints on file locally, it is necessary for that agency to relate the prints to an existing record by having the identification prints compared with those already on file in the FBI, or, possibly, in the state's central identification agency.

The procedures by which an individual may obtain a copy of his or her criminal history record from the FBI are set forth in 28 CFR 16.30-16.34.

CONTESTING RECORD PROCEDURES:

The Attorney General has exempted this system from the contest procedures of the Privacy Act. Under the alternative procedures described above under "Record Access Procedures," the subject of the requested record shall request the appropriate arresting agency, court, or correctional agency to initiate action necessary to correct any stated inaccuracy in subject's record or provide the information needed to make the record complete. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

RECORD SOURCE CATEGORIES:

Information contained in the NCIC system is obtained from local, state, tribal, federal, foreign, and international criminal justice agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

The Attorney General has exempted this system from subsection (c)(3) and (4); (d); (e)(1), (2), and (3); (e)(4)(G) and (H), (e)(8) and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2) and

(k)(3). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c) and (e) and have been published in the **Federal Register**.

JUSTICE/FBI-009

SYSTEM NAME:

Fingerprint Identification Records System (FIRS).

SYSTEM LOCATION:

Federal Bureau of Investigation, Criminal Justice Information Services (CJIS) Division, 1000 Custer Hollow Road, Clarksburg, WV 26306.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

A. Individuals fingerprinted as a result of arrest or incarceration.

B. Persons fingerprinted as a result of federal employment application or military service. In addition, there are a limited number of persons fingerprinted for alien registration and naturalization purposes and a limited number of individuals desiring to have their fingerprints placed on record with the FBI for personal identification purposes.

CATEGORIES OF RECORDS IN THE SYSTEM:

A. Criminal fingerprints and/or related criminal justice information submitted by authorized agencies having criminal justice responsibilities.

B. Civil fingerprints submitted by federal agencies and civil fingerprints submitted by persons desiring to have their fingerprints placed on record for personal identification purposes.

C. Identification records sometimes referred to as "rap sheets," which are compilations of criminal history record information pertaining to individuals who have criminal fingerprints maintained in the system.

D. A name index pertaining to all individuals whose fingerprints are maintained in the system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The system is established and maintained under authority granted by 28 U.S.C. 534, Pub. L. 92-544 (86 Stat. 1115), and codified in 28 CFR 0.85 (b) and (j) and part 20. Additional authority is also listed below under Routine Uses.

PURPOSES:

The purpose for maintaining the Fingerprint Identification Records System is to perform identification and criminal history record information functions and maintain resultant records for local, state, tribal, federal, foreign, and international criminal justice agencies, as well as for noncriminal justice agencies and other entities where authorized by federal

statute, state statute pursuant to Pub. L. 92-544, Presidential executive order or regulation of the Attorney General of the United States. In addition, identification assistance is provided in disasters and for other humanitarian purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Identification and criminal history record information within this system of records may be disclosed as follows:

1. To a local, state, tribal, or federal law enforcement agency, or agency/organization directly engaged in criminal justice activity (including the police, prosecution, penal, probation/parole, and the judiciary), and/or to an authorized foreign or international agency/organization, where such disclosure may assist the recipient in the performance of a law enforcement function, and/or for the purposes of eliciting information that may assist the FBI in performing a law enforcement function; or to a local, state, tribal, federal, foreign, or international agency/organization for a compatible civil law enforcement function; or where such disclosure may promote, assist, or otherwise serve the mutual law enforcement efforts of the law enforcement community.

2. To a federal, state, tribal, or local criminal or noncriminal justice agency/organization; or to other entities where specifically authorized by federal statute, state statute pursuant to Pub. L. 92-544, Presidential executive order, or regulation of the Attorney General of the United States for use in making decisions affecting employment, security, contracting, licensing, revocation, or other suitability determinations. Examples of these disclosures may include the release of information as follows:

a. To the Department of Defense, Department of State, Office of Personnel Management, or Central Intelligence Agency, when requested for the purpose of determining the eligibility of a person for access to classified information or assignment to or retention in sensitive national security duties. 5 U.S.C. 9101 (1990);

b. To federal agencies for use in investigating the background of present and prospective federal employees and contractors (Executive Order 10450), including those providing child-care services to children under age 18 at each federal agency and at any facility operated or under contract by the federal government. 42 U.S.C. 13041 (1991);

c. To state and local government officials for purposes of investigating

the background of applicants for noncriminal justice employment or licensing purposes if such investigation is authorized by a state statute that has been approved by the Attorney General of the United States. (The Attorney General has delegated to the FBI the responsibility for approving such state statutes.) Examples of applicants about whom FIRS information may be disclosed include: Providers of services/care for children, the elderly, or disabled persons; teachers/school bus drivers; adoptive/foster parents; security guards/private detectives; state bar applicants; doctors; and explosive dealers/purchasers. Pub. L. 92-544, 86 Stat. 1115;

d. To officials of state racing commissions for use in investigating the background of an applicant for a state license to participate in parimutuel wagering. Officials of state racing commissions in states with a state statute that has been approved under Pub. L. 92-544 may submit fingerprints of the applicant to the FBI through the Association of State Racing Commissioners International, Inc. Results of a criminal record check are returned to each state racing commission designated on the fingerprint card. Pub. L. 100-413, 102 Stat. 1101;

e. To officials of Indian tribal governments for use in investigating the background of an applicant for employment by such tribes in a position involving regular contact with, or control over, Indian children. Officials may submit fingerprints to the FBI through the Bureau of Indian Affairs and the results of the criminal record check are returned to the Bureau of Indian Affairs for transmittal to the appropriate tribal government. Pub. L. 101-630; 25 U.S.C. 3205; 25 U.S.C. 3207;

f. To a designated point of contact at a criminal justice agency for the conduct of background checks under the National Instant Criminal Background Check System (NICS).

g. To criminal justice officials for the conduct of firearms related background checks when required to issue firearms or explosive related licenses or permits according to a state statute or local ordinance. Fingerprints submitted for this noncriminal justice purpose, as well as other firearms related permits, are processed pursuant to Pub. L. 92-544 as set out under 2.c. above. Pub. L. 103-159; 18 U.S.C. 922;

h. To officials of federally chartered or insured banking institutions for use in investigating the background of applicants for employment or to otherwise promote or maintain the

security of those institutions. Pub. L. 92-544; 86 Stat. 1115;

i. To officials of the Securities and Exchange Commission (SEC) and to self-regulatory organizations (SRO) designated by the SEC for use in investigating all partners, directors, officers, and employees involved in the transfers/handling of securities at every member of a national securities exchange, broker, dealer, registered transfer agent, and registered clearing agency. (The SROs are: American Stock Exchange, Boston Stock Exchange, Chicago Board Options Exchange, Midwest Stock Exchange, New York Stock Exchange, Pacific Stock Exchange, Philadelphia Stock Exchange, and the National Association of Securities Dealers.) 15 U.S.C. 78q(f)(2) (1990);

j. To officials of the Commodity Futures Trading Commission (CFTC) and the National Futures Association for use in investigating the background of applicants for registration with the CFTC as commodity dealers/members of futures associations. Such applicants include futures commission merchants, introducing brokers, commodity trading advisors, commodity pool operators, floor brokers, and associated persons. 7 U.S.C. 12a (1992); 7 U.S.C. 21(b)(4)(E);

k. To officials of the Nuclear Regulatory Commission (NRC) for use in investigating the background of each individual who is permitted unescorted access to a nuclear utilization facility (nuclear power plant) and/or who is permitted access to information relating to the safeguarding of such facilities. 42 U.S.C. 2169 (1992).

3. To noncriminal justice governmental agencies performing criminal justice dispatching functions or data processing/information services for criminal justice agencies.

4. To private contractors pursuant to a specific agreement with a criminal justice agency or a noncriminal justice governmental agency performing criminal justice dispatching functions or data processing/information services for criminal justice agencies to provide services for the administration of criminal justice pursuant to that agreement. The agreement must incorporate a security addendum approved by the Attorney General of the United States, which shall specifically authorize access to criminal history record information, limit the use of the information to the purposes for which it is provided, ensure the security and confidentiality of the information, provide for sanctions, and contain such other provisions as the Attorney General may require. The power and authority of the Attorney General hereunder shall be

exercised by the FBI Director (or the Director's designee).

5. To the news media and general public where there exists a relevant and legitimate public interest (unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy) and where disclosure will serve a relevant and legitimate law enforcement function, *e.g.*, to assist in locating federal fugitives, and to provide notification of arrests. This would include disclosure of information in accordance with 23 CFR 20.33 (a)(4) and (c), and 50.2. In addition, where relevant and necessary to protect the general public or any member of the public from imminent threat to life, bodily injury, or property, such information may be disclosed.

6. To a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of and at the request of the individual who is the subject of the record.

7. To the National Archives and Records Administration and the General Services Administration for records management inspections and such other purposes conducted under the authority of 44 U.S.C. 2904 and 2906, to the extent that such legislation requires or authorizes the disclosure.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

A. The criminal fingerprints and related criminal justice information are stored in both automated and manual formats. The manual records are in file cabinets in their original state or on microfilm.

B. The civil fingerprints are stored in an entirely manual format.

C. The identification records or "rap sheets" are mostly automated but a significant portion of older records are manual.

D. The criminal name index is either automated or on microfilm while the civil name index is entirely manual.

RETRIEVABILITY:

A. Information in the system is retrievable by technical fingerprint classification and positive identification is effected only by comparison of unique identifying characteristics appearing in fingerprint impressions submitted for search against the fingerprints maintained within the system.

B. An auxiliary means of retrieval is through name indices which contain

names of the individuals, their birth data, other physical descriptors, and the individuals' technical fingerprint classification and FBI numbers, if such have been assigned.

SAFEGUARDS:

Information in the system is unclassified. Disclosure of information from the system is made only to authorized recipients upon authentication and verification of the right to access the system by such persons and agencies. The physical security and maintenance of information within the system is provided by FBI rules, regulations and procedures.

RETENTION AND DISPOSAL:

A. The Archivist of the United States has approved the destruction of records maintained in the criminal file when the records indicate individuals have reached 99 years of age, and the destruction of records maintained in the civil file when the records indicate individuals have reached 99 years of age. (Job. No. N1-65-95-03)

B. Fingerprints and related arrest data in the system are destroyed seven years following notification of the death of an individual whose record is maintained in the system (Job No. N1-65-95-03)

C. The Archivist has determined that automated FBI criminal identification records (rap sheets) are to be permanently retained. Thus, at the time when paper identification records would have been eligible for destruction, automated FBI criminal identification records are transferred via magnetic tape to NARA.

D. Fingerprints submitted by state and local criminal justice agencies are removed from the system and destroyed upon the request of the submitting agencies. The destruction of fingerprints under this procedure results in the deletion from the system of all arrest information related to those fingerprints.

E. Fingerprints and related arrest data are removed from the Fingerprint Identification Records System upon receipt of federal court orders for expunction when accompanied by necessary identifying information. Recognizing lack of jurisdiction of local and state courts over an entity of the federal government, the Fingerprint Identification Records System, as a matter of comity, destroys fingerprints and related arrest data submitted by local and state criminal justice agencies upon receipt of orders of expunction directed to such agencies by local and state courts when accompanied by necessary identifying information.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Federal Bureau of Investigation, J. Edgar Hoover Building, 935 Pennsylvania Avenue, NW, Washington, DC 20535-0001.

NOTIFICATION PROCEDURE:

This system has been exempted from subsections (d) and (e)(4)(G) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act.

RECORD ACCESS PROCEDURES:

This system of records has been exempted from subsections (d) and (e)(4)(H) pursuant to subsections (j)(2), (k)(2), and (k)(5) of the Privacy Act. However, procedures are set forth at 28 CFR 16.30-34 and 20.24 for an individual to obtain a copy of his identification record maintained in the Fingerprint Identification Records System to review or to obtain a change, correction, or updating of the record.

CONTESTING RECORD PROCEDURES:

Same as above.

RECORD SOURCE CATEGORIES:

Federal, state, local, tribal, foreign, and international agencies. See Categories of Individuals.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

The Attorney General has exempted this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (4)(G) and (H), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the Attorney General has exempted this system from (c)(3), (d), (e)(1), and (e)(4)(G) and (H), pursuant to (k)(2) and (k)(5). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register**.

[FR Doc. 99-24989 Filed 9-27-99; 8:45 am]

BILLING CODE 4410-CJ-M

DEPARTMENT OF JUSTICE

Parole Commission

Record of Vote of Meeting Closure (Public Law 94-409) (5 U.S.C. Sec. 552b)

I, Michael J. Gaines, Chairman of the United States Parole Commission, was present at a meeting of said Commission which started at approximately nine-thirty a.m. on Wednesday, September 22, 1999, at the U.S. Parole Commission, 5550 Friendship Boulevard, 4th Floor, Chevy Chase, Maryland 20815. The purpose of the meeting was to decide two appeals from the National Commissioners' decisions pursuant to

28 CFR Section 2.27. Three Commissioners were present, constituting a quorum when the vote to close the meeting was submitted.

Public announcement further describing the subject matter of the meeting and certifications of General Counsel that this meeting may be closed by vote of the Commissioners present were submitted to the Commissioners prior to the conduct of any other business. Upon motion duly made, seconded, and carried, the following Commissioners voted that the meeting be closed: Michael J. Gaines, Edward F. Reilly, Jr., and John R. Simpson.

In Witness Whereof, I make this official record of the vote taken to close this meeting and authorize this record to be made available to the public.

Dated: September 23, 1999.

Michael J. Gaines,

Chairman, U.S. Parole Commission.

[FR Doc. 99-25274 Filed 9-24-99; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF LABOR

Office of the Secretary

Presidential Task Force on Employment of Adults With Disabilities; Notice of Town Hall Meeting

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of Town Hall Meeting.

SUMMARY: Pursuant to Executive Order No. 13078, authorizing the Presidential Task Force on Employment of Adults with Disabilities (Task Force), notice is given of the second Town Hall Meeting. The purpose of the Task Force is to create a "coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population." The purpose of the Town Hall Meetings is to invite the public to participate and discuss their thoughts, concerns, and experiences with Task Force members. The topics to be addressed at this Town Hall Meeting will include Civil Rights and the strategies that can reduce the high unemployment rate of minorities with disabilities.

DATES: The Task Force will hold the second Town Hall Meeting on Monday, October 25, 1999 from 2 p.m. to approximately 7 p.m. Registration will begin at 12 p.m. The date, location, and time for each subsequent Town Hall Meeting will be announced in advance in the **Federal Register**.

ADDRESSES: The site of this Town Hall Meeting is the Sheraton Birmingham

Hotel, 2101 Civic Center Boulevard, Birmingham, AL 35203. All interested parties are invited to attend this Town Hall Meeting. Seating may be limited and will be available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Paul E. Bennett, Presidential Task Force on Employment of Adults with Disabilities, U. S. Department of Labor, 200 Constitution Avenue, NW., Room S-2220D, Washington, DC 20210. Requests can be made by e-mail to: bennett-paul@dol.gov; by phone (202) 693-4939; TTY (202) 693-4920; or fax (202) 693-4929. These are not toll-free numbers.

SUPPLEMENTARY INFORMATION: Pursuant to Executive Order No. 13078, the Presidential Task Force on Employment of Adults with Disabilities (Task Force), notice is given on the second Town Hall Meeting.

The purpose of the Task Force is to develop a "coordinated and aggressive national policy to bring adults with disabilities into gainful employment at a rate that is as close as possible to that of the general adult population." Employment barriers among the nation's disabled minority population are another persistent problem and, as with women, often reflect "double discrimination." Based on the flat employment numbers for people with disabilities from diverse cultural backgrounds, it is apparent that culturally diverse individuals with disabilities still experience tremendous difficulty accessing culturally appropriate job training and career development opportunities. Although these barriers can occur for all people with disabilities, they are more persistent and more pronounced for people with disabilities from diverse cultural backgrounds.

Appointed by President Clinton, the membership of the Task Force is as follows: Secretary of Labor, Chair of the Task Force; Chair of the President's Committee on Employment of People with Disabilities, Vice Chair of the Task Force; Secretary of Education; Secretary of Veterans Affairs; Secretary of Health and Human Services; Commissioner of the Social Security Administration; Secretary of the Treasury; Secretary of Commerce; Secretary of Transportation; Director of the Office of Personnel Management; Administrator of the Small Business Administration; Chair of the Equal Employment Opportunity Commission; Chair of the National Council on Disability; Commissioner of the Federal Communications Commission; and such other senior executive branch officials as may be

determined by the Chair of the Task Force.

AGENDA: The Town Hall Meeting will focus on Civil Rights and the strategies that can reduce the high unemployment rate of minorities with disabilities.

PUBLIC PARTICIPATION: Members of the public wishing to present an oral statement to the Task Force should forward their requests as soon as possible but no later than October 15, 1999. Requests may be made by telephone, fax machine, or mail. Time permitting, the members of the Task Force will attempt to accommodate all requests by reserving time for presentations. The order of persons making such presentations will be assigned in the order in which the requests are received. Members of the public must limit oral statements to five minutes, but extended written statements may be submitted for the record. Members of the public may also submit written statements for distribution to the Task Force members and inclusion in the public record without presenting oral statements. Such written statements should be sent by mail or fax machine no later than October 15, 1999.

Minutes of all Town Hall Meetings and summaries of other documents will be available to the public on the Task Force's web site www.dol.gov.

Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact the Task Force as shown above.

Signed at Washington, DC, this 22nd day of September, 1999.

Rebecca L. Ogle,

Executive Director, Presidential Task Force on Employment of Adults with Disabilities.

[FR Doc. 99-25210 Filed 9-27-99; 8:45 am]

BILLING CODE 4510-23-P

DEPARTMENT OF LABOR

Office of the Secretary

Senior Executive Service; Appointment of a Member to the Performance Review Board

Title 5 U.S.C. 4314(c)(4) provides that Notice of the appointment of an individual to serve as a member of the Performance Review Board of the Senior Executive Service shall be published in the **Federal Register**.

The following individuals are hereby appointed to a 3-year term on the Department's Performance Review Board: Richard L. Brechbiel, T. Michael

Kerr, Patricia W. Lattimore, Deborah R. Pierce, Virginia C. Smith.

FOR FURTHER INFORMATION CONTACT: Ms. Tali R. Stepp, Director of Human Resources, Room C5526, U.S. Department of Labor, Frances Perkins Building, 200 Constitution Avenue, NW, Washington, DC 20210, Telephone: (202) 219-6551.

Signed at Washington, DC, this 15th day of September, 1999.

Alexis M. Herman,
Secretary of Labor.

[FR Doc. 99-25209 Filed 9-27-99; 8:45 am]
BILLING CODE 4510-23-M

DEPARTMENT OF LABOR

Employment Standards Administration

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment Standards Administration is soliciting comments concerning the proposed extension collection of: Requirements of a Bona Fide Profit Sharing Plan or Trust; and Requirements of a Bona Fide Thrift or Savings Plan. A copy of the proposed information collection request can be obtained by contacting the office listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before November 29, 1999.

ADDRESSES: Ms. Patricia A. Forkel, U.S. Department of Labor, 200 Constitution Ave., NW, Room S-3201, Washington, DC 20210, telephone (202) 693-0339 (this is not a toll-free number), fax (202) 693-1451.

SUPPLEMENTARY INFORMATION:

I. Background

Section 7(e)(3)(b) of the Fair Labor Standards Act (FLSA) permits the exclusion from an employee's regular rate of pay, payments on behalf of an employee to a "bona fide" profit-sharing plan, and a "bona fide" thrift or savings plan. Regulations 29 CFR part 549 sets forth the requirements of a bona fide profit sharing plan or trust, and Regulations 29 CFR part 547 set forth the requirements of a bona fide thrift or savings plan. This clearance involves employer maintenance of records of such plans.

II. Review Focus

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval to collect this information in order to determine whether a given thrift or savings plan or a profit sharing plan or trust is in compliance with section 7(e)(3). Please note that the recordkeeping requirements for the thrift or savings plans and the recordkeeping requirements for profit sharing plans are currently approved under separate OMB numbers. The requirements for thrift or savings plans are approved under OMB number 1215-0119, and the requirements for profit sharing plans are approved under OMB number 1215-0122. This information clearance request will combine the two recordkeeping requirements under OMB number 1215-0119.

Type of review: Extension.
Agency: Employment Standards Administration.

Title: Requirements of a Bona Fide Thrift or Savings Plan, and Requirements of a Bona Fide Profit Sharing Plan.

OMB Number: 1215-0119.

Affected Public: Business or other for-profit; Individuals or households; Not-for-profit institutions; State, Local or Tribal Government.

Total Respondents: 1.924 million.

Frequency: Recordkeeping only.

Total Responses: 1.924 million.

Estimated Total Burden Hours (Recordkeeping): 2.

Total Burden Cost (capital/startup): \$0.

Total Burden Cost (operating/maintenance): \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: September 21, 1999.

Margaret J. Sherrill,

Chief, Branch of Management Review and Internal Control, Division of Financial Management, Office of Management, Administration and Planning, Employment Standards Administration.

[FR Doc. 99-25208 Filed 9-27-99; 8:45 am]

BILLING CODE 4510-27-M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR-99-28]

Vinyl Chloride Standard; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA); Labor.

ACTION: Notice of an opportunity for public comment.

SUMMARY: OSHA solicits comments concerning the extension of the information collection requirements contained in the standard on vinyl chloride, 29 CFR 1910.1017, 1915.1017, 1926.1117.

Request for Comment

The Agency is particularly interested in comments on the following issues:

- Whether the information collection requirement are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of the Agency's estimate of the burden (time and costs)

of the information collection requirements, including the validity of the methodology and assumptions used;

- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated, electronic, mechanical, and other technological information and transmission collection techniques.

DATES: Submit written comments on or before November 29, 1999.

ADDRESSES: Submit written comments to the Docket Office, Docket No. ICR-99-28, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648.

FOR FURTHER INFORMATION CONTACT: Todd R. Owen, Directorate of Policy, Occupational Safety and Health Administration, U.S. Department of Labor, Room N-3627, 200 Constitution Avenue, N.W., Washington, DC 20210; telephone: (202) 693-2444. A copy of the Agency's Information Collection Request (ICR) supporting the need for the information collection requirements in the Vinyl Chloride Standard is available for inspection and copying in the Docket Office, or mailed on request by telephoning Todd R. Owen or Barbara Bielaski at (202) 693-2444. For electronic copies of the ICR on vinyl chloride, contact OSHA on the Internet at <http://www.osha-slc.gov>.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA-95) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and OSHA's estimate of the information collection burden is correct.

The Occupational Safety and Health Act of 1970 (the Act) authorizes information collection by employers as necessary or appropriate for enforcement of the Act or for developing information regarding the causes and prevention of occupational injuries,

illnesses, and accidents. (29 U.S.C. 657.) In this regard, the information collection requirements in the Vinyl Chloride Standard provides protection for employees from the adverse health effects associated with occupational exposure to vinyl chloride.

II. Proposed Actions

OSHA proposes to extend the Office of Management and Budget (OMB) approval for the collections of information (paperwork) contained in the Vinyl Chloride Standard, 29 CFR 1910.1017, 1915.1017, 1926.1117.

The Vinyl Chloride Standard requires employers to monitor employee exposure to vinyl chloride, to monitor employee health, and to provide employees with information about their exposures and the health effects of exposure to Vinyl Chloride. In addition, employers must notify OSHA area directors of regulated areas and changes to regulated areas, and of any emergencies that involve vinyl chloride.

OSHA will summarize the comments submitted in response to this notice, and will include this summary in the request to OMB to extend the approval of the information collection requirements contained in the Vinyl Chloride Standard.

Type of Review: Extension of currently approved information collection requirements.

Agency: Occupational Safety and Health Administration.

Title: Vinyl Chloride Standard.

OMB Number: 1218-0010.

Affected Public: Business or other for-profit; Federal government; state, local or tribal government.

Number of Respondents: 80.

Frequency: On occasion.

Average Time per response: Time per response ranges from approximately 5 minutes (for employers to maintain records) to 12 hours (for employers to update their compliance plans).

Estimated Total Burden Hours: 2,878.

Estimated Cost (Operation and Maintenance): \$258,042.

III. Authority and Signature

Charles N. Jeffress, Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506) and Secretary of Labor's Order No. 6-96 (62 FR 1111).

Signed at Washington, DC, this 23rd day of September 1999.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 99-25211 Filed 9-29-99; 8:45 am]

BILLING CODE 4510-26-M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m., Tuesday, October 5, 1999.

PLACE: NTSB Board Room, 5th Floor, 490 L'Enfant Plaza, S.W., Washington, D.C. 20594.

STATUS: Open to the Public.

MATTERS TO BE CONSIDERED: 7089A—Marine Accident Report: Sinking of the Recreational Sailing Vessel Morning Dew at the Entrance to the Harbor of Charleston, South Carolina on December 29, 1997.

NEWS MEDIA CONTACT: Telephone: (202) 314-6100.

Individuals requesting specific accommodation should contact Mrs. Barbara Bush at (202) 314-6220 by Friday, October 1, 1999.

FOR MORE INFORMATION CONTACT: Rhonda Underwood, (202) 314-6065.

Dated: September 24, 1999.

Rhonda Underwood,

Federal Register Liaison Officer.

[FR Doc. 99-25332 Filed 9-24-99; 2:34 pm]

BILLING CODE 7533-01-M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted pursuant to the Federal Advisory Committee Act by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Nuclear Waste (ACNW). These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACNW advises the Nuclear Regulatory Commission on nuclear waste disposal issues. This includes facilities covered under 10 CFR Parts 61 and the proposed Part 63 and other applicable regulations and legislative mandates, such as the Nuclear Waste Policy Act, the Low-Level Radioactive Waste Policy Act and amendments, and the Uranium Mill Tailings Radiation Control Act, as amended. The Committee's reports become a part of the public record.

The ACNW meetings are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the

Committee's information gathering process. The meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process. ACNW meetings are conducted in accordance with the Federal Advisory Committee Act.

General Rules Regarding ACNW Meetings

An agenda is published in the **Federal Register** for each full Committee meeting and is available on the Internet at <http://www.nrc.gov/ACRSACNW> and is updated as changes are made. During an ACNW meeting there may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day during another meeting. Persons planning to attend the meeting may contact the Designated Federal Official specified in the individual **Federal Register** Notice prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted between 7:30 a.m. and 4:15 p.m., Eastern Time.

The following requirements shall apply to public participation in ACNW meetings:

(a) Persons wishing to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** Notice for the individual meeting in care of the Advisory Committee on Nuclear Waste, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be in the possession of the Designated Federal Official at least five days prior to the meeting to allow time for reproduction and distribution. Comments should be limited to topics being considered by the Committee. Written comments may also be submitted by providing a readily reproducible copy to the Designated Federal Official at the beginning of the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the Designated Federal Official. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The

Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) In addition to the ACRS/ACNW Internet web site, information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled and the time allotted to present oral statements can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m., Eastern Time.

(d) During the ACNW meeting presentations and discussions, questions may be asked by ACNW members, Committee consultants, NRC staff, and the ACNW staff.

(e) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The Designated Federal Official will have to be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(f) A transcript is kept for certain open portions of the meeting and will be available in the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20003-1527, for use within one week following the meeting. A copy of the certified minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACNW meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on the Internet at <http://www.nrc.gov/ACRSACNW>.

(g) Videoteleconferencing service is available for observing open sessions of some ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audio Visual Technician, (301-415-8066) between 7:30 a.m. and 3:45 p.m., Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the

videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

ACNW Working Group Meetings

ACNW Working Group meetings will also be conducted in accordance with these procedures, as appropriate. When Working Group meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, 25 additional copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACNW meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Designated Federal Official should be informed of such an agreement at least five working days prior to the meeting so that it can be confirmed, and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Official prior to the beginning of the meeting for admittance to the closed session.

Dated: September 22, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99-25183 Filed 9-27-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards; Procedures for Meetings

Background

This notice describes procedures to be followed with respect to meetings conducted by the Nuclear Regulatory Commission's (NRC's) Advisory Committee on Reactor Safeguards

(ACRS) pursuant to the Federal Advisory Committee Act. These procedures are set forth so that they may be incorporated by reference in future notices for individual meetings.

The ACRS is a statutory group established by Congress to review and report on applications for the licensing of nuclear power reactor facilities and on certain other nuclear safety matters. The Committee's reports become a part of the public record.

The ACRS meetings are conducted in accordance with the Federal Advisory Committee Act; they are normally open to the public and provide opportunities for oral or written statements from members of the public to be considered as part of the Committee's information gathering process. ACRS reviews do not normally encompass matters pertaining to environmental impacts other than those related to radiological safety.

The ACRS meetings are not adjudicatory hearings such as those conducted by the NRC's Atomic Safety and Licensing Board Panel as part of the Commission's licensing process.

General Rules Regarding ACRS Meetings

An agenda is published in the **Federal Register** for each full Committee meeting and is available on the Internet at <http://www.nrc.gov/ACRSACNW> and is updated as changes are made. There may be a need to make changes to the agenda to facilitate the conduct of the meeting. The Chairman of the Committee is empowered to conduct the meeting in a manner that, in his/her judgment, will facilitate the orderly conduct of business, including making provisions to continue the discussion of matters not completed on the scheduled day on another meeting day. Persons planning to attend the meeting may contact the Designated Federal Official specified in the individual **Federal Register** Notice prior to the meeting to be advised of any changes to the agenda that may have occurred. This individual can be contacted between 7:30 a.m. and 4:15 p.m., Eastern Time.

The following requirements shall apply to public participation in ACRS full Committee meetings:

(a) Persons wishing to submit written comments regarding the agenda items may do so by sending a readily reproducible copy addressed to the Designated Federal Official specified in the **Federal Register** Notice, care of the Advisory Committee on Reactor Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Comments should be limited to items being considered by the Committee. Comments should be in the possession

of the Designated Federal Official at least five days prior to a meeting to allow time for reproduction and distribution. Written comments may also be submitted by providing a readily reproducible copy to the Designated Federal Official at the beginning of the meeting.

(b) Persons desiring to make oral statements at the meeting should make a request to do so to the Designated Federal Official. If possible, the request should be made five days before the meeting, identifying the topics to be discussed and the amount of time needed for presentation so that orderly arrangements can be made. The Committee will hear oral statements on topics being reviewed at an appropriate time during the meeting as scheduled by the Chairman.

(c) Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained by contacting the Designated Federal Official between 7:30 a.m. and 4:15 p.m., Eastern Time.

(d) During the presentations and discussions at ACRS meetings, questions may be asked only by ACRS members, ACRS consultants and staff, and the NRC staff.

(e) The use of still, motion picture, and television cameras will be permitted at the discretion of the Chairman and subject to the condition that the physical installation and presence of such equipment will not interfere with the conduct of the meeting. The Designated Federal Official will have to be notified prior to the meeting and will authorize the installation or use of such equipment after consultation with the Chairman. The use of such equipment will be restricted as is necessary to protect proprietary or privileged information that may be in documents, folders, etc., in the meeting room. Electronic recordings will be permitted only during those portions of the meeting that are open to the public.

(f) A transcript is kept for certain open portions of the meeting and will be available in the NRC Public Document Room, 2120 L Street, NW, Washington, DC 20003-1527, for use within one week following the meeting. A copy of the certified minutes of the meeting will be available at the same location on or before three months following the meeting. Copies may be obtained upon payment of appropriate reproduction charges. ACRS meeting agenda, meeting transcripts, and letter reports are available for downloading or viewing on

the Internet at <http://www.nrc.gov/ACRSACNW>.

(g) Videoteleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service for observing ACRS meetings should contact Mr. Theron Brown, ACRS Audio Visual Technician, (301-415-8066) between 7:30 a.m. and 3:45 p.m. Eastern Time at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

ACRS Subcommittee Meetings

ACRS Subcommittee meetings will also be conducted in accordance with the above procedures, as appropriate. When Subcommittee meetings are held at locations other than at NRC facilities, reproduction facilities may not be available at a reasonable cost. Accordingly, 25 additional copies of the materials to be used during the meeting should be provided for distribution at such meetings.

Special Provisions When Proprietary Sessions Are To Be Held

If it is necessary to hold closed sessions for the purpose of discussing matters involving proprietary information, persons with agreements permitting access to such information may attend those portions of the ACRS meetings where this material is being discussed upon confirmation that such agreements are effective and related to the material being discussed.

The Designated Federal Official should be informed of such an agreement at least five working days prior to the meeting so that it can be confirmed, and a determination can be made regarding the applicability of the agreement to the material that will be discussed during the meeting. The minimum information provided should include information regarding the date of the agreement, the scope of material included in the agreement, the project or projects involved, and the names and titles of the persons signing the agreement. Additional information may be requested to identify the specific agreement involved. A copy of the executed agreement should be provided to the Designated Federal Official prior to the beginning of the meeting for admittance to the closed session.

Dated: September 22, 1999.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 99-25184 Filed 9-27-99; 8:45 am]

BILLING CODE 7590-01-P

NUCLEAR REGULATORY COMMISSION

Final Standard Review Plan on Foreign Ownership, Control, or Domination

AGENCY: Nuclear Regulatory Commission.

ACTION: Final Standard Review Plan.

SUMMARY: The NRC is issuing its Final Standard Review Plan (SRP) on Foreign Ownership, Control, or Domination. The SRP documents procedures and guidance used by the staff to analyze applications for reactor licenses, or applications for the transfer of control of such licenses, with respect to the limitations contained in sections 103 and 104 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 50.38 against issuing a license for a production or utilization facility to an alien or an entity that is owned, controlled, or dominated by foreign interests.

EFFECTIVE DATE: The SRP was approved by the Commission on August 31, 1999.

ADDRESSES: Examine copies of comments received on the interim SRP, which preceded the final SRP, and copies of the attachments as stated in the final SRP at: The NRC Public Document Room, 2120 L Street, N.W. (lower level), Washington, D.C.

FOR FURTHER INFORMATION CONTACT: Steven R. Hom, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, telephone (301) 415-1537, e-mail srh@nrc.gov.

SUPPLEMENTARY INFORMATION: The SRP on Foreign Ownership, Control, or Domination, attached hereto, contains the review procedures used by the staff to evaluate applications for the issuance or transfer of control of a production or utilization facility license in light of the prohibitions in sections 103d and 104d of the Atomic Energy Act and in 10 CFR 50.38 against issuing such reactor licenses to aliens or entities that the Commission "knows or has reason to believe" are owned, controlled, or dominated by foreign interests. The procedures expressly provide for requests for additional information and consideration of a negation action plan if the information described in 10 CFR 50.33(d) initially required to be

provided in an application indicates that there may be some degree of foreign control of the applicant. The SRP also sets forth substantive guidance consistent with existing Commission precedent on what may constitute foreign control. This SRP supersedes Section III.3 of NUREG-1577, Standard Review Plan on Power Reactor Licensee Financial Qualifications and Decommissioning Funding Assurance (Draft Report for Comment) (containing review procedures regarding foreign ownership) in its entirety.

An earlier interim version of the SRP was published in the **Federal Register** on March 2, 1999 (64 FR 10166) for public comment. Four sets of comments were received from the Nuclear Energy Institute (NEI), AmerGen Energy Company, LLC (AmerGen), Florida Power and Light Company (FPL), and PECO Energy (PECO). These comments, and the staff's response to them, are set forth below.

Comments and Responses

NEI and FPL

NEI stated that, in general, the criteria and review process outlined in the interim SRP provide an "appropriate degree of regulatory flexibility." In addition, NEI specifically provided its view that "a foreign entity should be allowed to own a significant share of a nuclear power plant," provided that special nuclear material is not under the control of the foreign entity, the foreign entity has no control over the day-to-day nuclear activities at the plant, and ownership would not be inimical to the common defense and security. Further, NEI stated its belief that foreign ownership of a licensee's parent company "should be allowed unless the foreign entity has legal control over the conduct of licensee activities involving common defense and security." Such control can be "overcome" by "special arrangements, such as special operating committees, which vest effective control and operation of licensed activities with U.S. citizens," according to NEI.¹

FPL stated that it "supports the approach set forth in the SRP." It also stated that it endorses NEI's comments.

Response

Section 103d of the Atomic Energy Act of 1954, as amended, provides that no license may be issued to an alien, or to a corporation owned, controlled, or dominated by an alien, foreign corporation, or foreign government. As

¹NEI also stated its support for amendment of the Atomic Energy Act to remove the foreign ownership prohibition, while preserving the authority to protect the common defense and security.

the SRP now indicates, a (U.S.) *applicant* that is partially owned by a foreign entity may still be eligible for a license under certain conditions. However, the intent of NEI's comment that a foreign entity "should be allowed to own a significant share of a nuclear power plant" is not entirely clear. If NEI is suggesting that a foreign entity may become a direct owner of a substantial percentage of the facility, its position would not appear to be consistent with the Commission's interpretation of the statute, even if the foreign entity is only a co-owner. In Public Service Co. of Indiana (Marble Hill Nuclear Generating Station, Units 1 and 2), ALAB-459, 7 NRC 179, 200-01 (1978), the Appeal Board held that each proposed co-owner of a nuclear facility must be an applicant for a license. Accordingly, each co-owner is subject to the foreign ownership or control prohibition contained in the Act.

NEI's other major comment (i.e., that foreign ownership of a licensee's parent company should be allowed unless the foreign entity has legal control over common defense and security activities, which control is not overcome by special arrangements such as limiting such activities to U.S. citizens) appears to go beyond the guidance in the SRP that deals with foreign parent companies. The SRP states that (based on the Commission's determinations in the Hoffmann-LaRoche and initial Cintichem matters discussed in the attachments to the SRP), an applicant with a foreign parent will not be eligible for a license, unless the Commission knows that the foreign parent's stock is largely owned by U.S. citizens, and certain conditions or "special arrangements" are imposed, such as having only U.S. citizens within the applicant's organization be responsible for special nuclear material. NEI has not presented any compelling argument why the scenario it set forth, which is devoid of any indication of ultimate control of the parent by U.S. stockholders, is consistent with the statutory prohibition on foreign control, in light of the Commission's interpretation in the Hoffmann-LaRoche and initial Cintichem matters.²

AmerGen

AmerGen commented that the SRP should provide more detailed guidance by establishing "safe harbors" with respect to certain types of ownership and/or operating arrangements.

²However, for situations involving an applicant's proposed acquisition of less than a 100% interest in a reactor, see the discussion below in response to AmerGen's comments.

Specifically, AmerGen noted that although the SRP states that the Commission has not determined a specific threshold of stock ownership above which it would be concluded that the (foreign) owner would have control, it may be appropriate to establish a threshold below which there would be a presumption of no control, at least absent foreign involvement in management or operation. In addition, AmerGen stated that it might be helpful for the SRP to discuss specific types of activities in which a foreign entity could engage in connection with the operation of a reactor, and acknowledge that the statute does not preclude foreign nationals from "holding senior management positions with an applicant and/or managing and supervising licensed activities at a reactor site." AmerGen also stated that in the guidance section of the SRP, the SRP should discuss specific arrangements involving foreign entities that the Commission has found acceptable with the imposition of certain conditions, and confirm that similar situations would be eligible for "safe harbor" treatment.

Noting the discussion in the SRP that provides that further consideration is required concerning the ownership of a less than 100 percent interest in a reactor by a U.S. company which has a foreign parent, AmerGen stated its opinion that relevant precedents should be addressed (suggesting Marble Hill and Cintichem). AmerGen also stated that additional guidance would be helpful concerning the "further consideration," and concerning what additional information may be required from an applicant for such consideration. Finally, AmerGen believes the SRP should expressly confirm that where a particular applicant has recently been approved by the NRC subject to the imposition of certain license conditions, no material changes in the ownership or management of the applicant have since occurred, and the applicant agrees to similar conditions in connection with a subsequent application, the applicant will essentially receive summary approval.

Response

In general, it is recognized that articulating "safe harbors" in the SRP would be beneficial to license applicants by removing some degree of uncertainty from the license application process. However, in light of the perhaps limitless creativity involved in formulating corporate structures and arrangements, the difficulty in prescribing safe harbors is being able to

account for every potential fact or circumstance that could be present in any given situation, which fact or circumstance may not be addressed in the stated safe harbor criteria, but which could still be material to a determination of foreign ownership or control.

Regarding AmerGen's suggestion that a stock threshold be considered below which there would be presumptive non-control absent foreign involvement in management or operation, it is notable that while earlier drafts of the Atomic Energy Act contained a stock threshold (five percent) above which foreign ownership would have been barred, the final version of the Act, of course, does not. Thus, Congress declined to establish any threshold. Also, other statutes such as the Public Utilities Holding Company Act, while establishing thresholds above which control is presumed, are silent on "safe harbors." At least until further experience is gained in this area, the flexibility of the SRP in this regard should be maintained.

Concerning AmerGen's comment on stating permissible activities that a foreign entity or foreign nationals could engage in regarding the operation or management of a reactor, it should be noted at the outset that the statutory prohibition applies to the issuance of licenses. Thus, as long as foreign entities or nationals are not engaged in activities requiring a license, the foreign control prohibition does not apply specifically to them. This is not to say that the actual licensee—the entity which does have control over licensed activities—is unrestricted in its use of foreign entities or personnel. As provided in the Act, no license may be issued if issuance would be inimical to the common defense and security. Entering into this analysis would be the licensee's use of foreign entities or personnel. Because AmerGen's comment potentially involves considerations of the common defense and security, it would not appear that any meaningful purpose would be served for the SRP to attempt to simply list activities or positions in an organization that would presumptively not trigger the prohibition on foreign ownership or control when it would still be necessary to conduct a full separate analysis of whether a certain degree of foreign involvement would be inimical to the common defense and security.

With respect to AmerGen's comment that the SRP should discuss specific arrangements involving foreign entities that the Commission has found acceptable, the agency's dockets

presently provide access to this information, which constitutes a substantial amount of material (agreements, organizational charts, by-laws, etc.) specific to each application which cannot be incorporated into the SRP, as a practical matter, due to their volume. Commission statements and analyses regarding applications involving the Babcock & Wilcox/McDermott and Union Carbide/Cintichem matters, which provide essentially a historical perspective and summary of the Commission's views on the foreign ownership prohibition, and which are more difficult to locate due to their age, are in a form that is more easily included as part of the SRP. These analyses were not published in the **Federal Register** notice requesting comments on the SRP, but are to be attachments to the SRP as indicated in Section 6, "References," of the SRP.

For situations involving an applicant which has, directly or indirectly, a foreign parent but which is seeking to acquire less than a 100% interest in a reactor, the attached version of the SRP has been expanded in response to AmerGen's comments concerning the "further consideration" that is required. The SRP includes new proposed language providing that "further consideration" will be given to: (1) The extent of the proposed partial ownership of the reactor; (2) whether the applicant is seeking authority to operate the reactor; (3) whether the applicant has interlocking directors or officers and details concerning the relevant companies; (4) whether the applicant would have any access to restricted data; and (5) details concerning ownership of the foreign parent company. The new language should provide applicants with a clear understanding of what facts will be considered and what type of information may need to be submitted.

Regarding AmerGen's interest in the SRP expressly confirming that a previously approved applicant will survive foreign ownership scrutiny where there have been no material changes since the last application and the same conditions are imposed, the agency intends to apply the law uniformly and consistently and not act in an arbitrary manner. Thus, there appears to be no necessity in essentially restating this principle specifically in the context of the SRP.

PECO

PECO commented that, at least in the context of making a non-inimicality finding with respect to the common defense and security, "some degree of deference should be applied" when the

relevant foreign applicant is from a country with close ties to the United States. In addition, PECO stated its opinion that the focus of a foreign control review as set forth in the SRP should be on "who exerts control over the 'safety and security' aspects of the licensee's operations." With specific reference to section 3.2 of the SRP, PECO recommended that where a license condition is necessary to limit those responsible for special nuclear material, the limitation should apply to officers and senior management of the applicant, rather than officers and employees, which latter term is used in the present SRP.

Response

As pointed out in SECY-98-252, "Preliminary Staff Views Concerning Its Review of the Foreign Ownership Aspects of AmerGen, Inc.'s Proposed Purchase of Three Mile Island, Unit 1" (Oct. 30, 1998), previous Commission decisions regarding foreign ownership or control did not appear to turn on which particular nation the applicant was associated with. Although the broader required finding of non-inimicality to the common defense and security may be based, in part, on the nation involved, the SRP concerns the specific foreign ownership prohibition and is not intended to cover all common defense and security issues, as stated in Section 1.1 of the SRP. Thus, no changes in consideration of PECO's first comment appear warranted.

Regarding PECO's second comment, it is true that the exertion of control over the "safety and security aspects" of reactor operations (interpreting that phrase broadly for the purpose of this discussion) can be an important factor in the foreign ownership or control analysis. However, it may not be the only important factor, given that the statute does not limit the foreign control prohibition to only those applicants who intend to be actively engaged in operation of the plant, or intend to "exert control" over operations. A statement of the "focus" of the analysis would appear to be somewhat premature at this time, given the limited experience the Commission has had in this area.

With respect to PECO's last comment concerning personnel responsible for special nuclear material, the term "employees" was used by the Commission in a previous condition of approval that required those responsible for special nuclear material to be U.S. citizens.³ It appears reasonable to seek

to ensure that all those employees responsible for special nuclear material have at least U.S. citizenship, not just senior management, when there is some issue of foreign control, and PECO has not provided a compelling reason why there should be any departure from a prior Commission decision.

Approval by the Commission

In approving the final SRP, the Commission approved new additional guidance (incorporated in the last paragraph of section 3.2 of the SRP) reflected in the foregoing response to AmerGen's comments concerning applicants seeking to acquire less than 100% of a reactor who have ultimate foreign parents. Also, the Commission directed that one additional change be made from the previous interim SRP, namely, the addition of a new footnote in Section 3.2 of the SRP.

Dated at Rockville, Maryland, this 21st day of September, 1999.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,
Secretary of the Commission.

Final Standard Review Plan on Foreign Ownership, Control and Domination

1. Areas of Review

1.1 General

The NRC is issuing this Standard Review Plan (SRP) to describe the process it uses to review the issue of whether an applicant for a nuclear facility license under sections 103 or 104 of the Atomic Energy Act of 1954, as amended (AEA or Act), is owned, controlled, or dominated by an alien, a foreign corporation or a foreign government. This SRP will be used as the basis for such reviews in connection with license applications for new facilities, or applications for approval of direct or indirect transfers of facility licenses.

Where there are co-applicants, each intending to own an interest in a new facility as co-licensees, each applicant must be reviewed to determine whether it is owned, controlled, or dominated by an alien, foreign corporation or foreign government. If a co-licensee of an existing facility owns a partial interest in the facility and is transferring that interest, the acquirer must be reviewed to determine whether it is owned, controlled, or dominated by an alien,

(Dec. 14, 1973), incorporating by reference letter from General Atomic Company to L. Manning Muntzing, Atomic Energy Commission (Dec. 14, 1973) with attachment (General Atomic Company Resolution of the Standing Committee of the Partnership Committee Adopted at a Meeting Thereof Held on December 14, 1973).

foreign corporation or foreign government.

The foreign control determination is to be made with an orientation toward the common defense and security. However, this SRP does not address all matters relating to the determination of whether issuance of a license to a person would be inimical to the common defense and security.

This SRP reflects current NRC regulations and policy.

1.2 Relevant Statutory And Regulatory Provisions

Sections 103d and 104d of the Act provide, in relevant part, that no license may be issued to:

Any corporation or other entity if the Commission knows or has reason to believe it is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government. In any event, no license may be issued to any person within the United States if, in the opinion of the Commission, the issuance of a license to such person would be inimical to the common defense and security or to the health and safety of the public.

(Section 103d also states that no license may be issued to an alien.)

Section 184 of the Act provides, in relevant part:

No license granted hereunder and no right to utilize or produce special nuclear material granted hereby shall be transferred, assigned or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of any license to any person, unless the Commission shall, after securing full information, find that the transfer is in accordance with the provisions of this Act, and shall give its consent in writing.

10 CFR 50.33(d), in relevant part, provides:

Each application shall state:

- (d)(1) If applicant is an individual, state citizenship.
- (2) If applicant is a partnership, state name, citizenship and address of each partner and the principal location where the partnership does business.
- (3) If applicant is a corporation or an unincorporated association, state:
 - (i) The state where it is incorporated or organized and the principal location where it does business;
 - (ii) The names, addresses and citizenship of its directors and of its principal officers;
 - (iii) Whether it is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and, if so, give details.
- (4) If the applicant is acting as agent or representative of another person in filing the application, identify the

³ See letter from L. Manning Muntzing, Atomic Energy Commission, to General Atomic Company

principal and furnish information required under this paragraph with respect to such principal.

10 CFR 50.38 provides:

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

10 CFR 50.80 provides, in pertinent part:

(a) No license for a production or utilization facility, or any right thereunder, shall be transferred, assigned, or in any manner disposed of, either voluntarily or involuntarily, directly or indirectly, through transfer of control of the license to any person, unless the Commission shall give its consent in writing.

* * * * *
(c) * * * [T]he Commission will approve an application for the transfer of a license, if the Commission determines:
* * * * *

(2) That the transfer of the license is otherwise consistent with applicable provisions of the law, regulations, and orders issued by the Commission pursuant thereto.

2. Information To Be Submitted by Applicant

2.1 Information Required By Regulation

At the time the applicant submits its application for a license or for approval of the transfer of a license, the applicant must submit information sufficient to comply with 10 CFR 50.33(d).

2.2 Additional Information

If the reviewer, based on the information required to be submitted by 10 C.F.R. 50.33(d), has reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the following additional information:

1. If the applicant's equity securities are of a class which is registered pursuant to the Securities Exchange Act of 1934, copies of all current Securities and Exchange Commission Schedules 13D and 13G, which are required to be filed by owners of more than 5% of such a class with the Securities and Exchange Commission, the security issuer (applicant), and the exchange on which the issuer's securities are traded.

2. Management positions held by non-U.S. citizens.

3. The ability of foreign entities to control the appointment of management personnel.

2.3 Negotiation Action Plan

If applicable under Section 4.4 *infra*, the applicant should also submit a

Negotiation Action Plan, which is described in detail in Section 4.4.

3. Acceptance Criteria

3.1 Basic Statutory and Regulatory Limitations

License applications for new facilities or applications for approval of transfers of licenses required in the case of proposed new ownership of existing facilities may involve foreign entities proposing to own all or part of a reactor facility. Sections 103d and 104d of the AEA prohibit the NRC from issuing a license to an applicant if the NRC knows or has reason to believe that the applicant is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government (or is an alien, in the case of section 103d).

Likewise, under 10 CFR 50.38,

Any person who is a citizen, national, or agent of a foreign country, or any corporation, or other entity which the Commission knows or has reason to believe is owned, controlled or dominated by an alien, a foreign corporation, or a foreign government, shall be ineligible to apply for and obtain a license.

3.2 Guidance On Applying Basic Limitations

The Commission has not determined a specific threshold above which it would be conclusive that an applicant is controlled by foreign interests through ownership of a percentage of the applicant's stock. Percentages held of outstanding shares must be interpreted in light of all the information that bears on who in the corporate structure exercises control over what issues and what rights may be associated with certain types of shares.

An applicant is considered to be foreign owned, controlled, or dominated whenever a foreign interest has the "power," direct or indirect, whether or not exercised, to direct or decide matters affecting the management or operations of the applicant. The Commission has stated that the words "owned, controlled, or dominated" mean relationships where the will of one party is subjugated to the will of another. *General Electric Co.*, 3 AEC at 101.

A foreign interest is defined as any foreign government, agency of a foreign government, or representative of a foreign government; any form of business enterprise or legal entity organized, chartered, or incorporated under the laws of any country other than the U.S. or its possessions and trust territories; any person who is not a citizen or national of the U.S.; and any U.S. interest effectively controlled by one of the above foreign entities.

The Commission has stated that in context with the other provisions of Section 104d, the foreign control limitation should be given an orientation toward safeguarding the national defense and security. Thus, an applicant that may pose a risk to national security by reason of even limited foreign ownership would be ineligible for a license.⁴

Even though a foreign entity contributes 50%, or more, of the costs of constructing a reactor, participates in the project review, is consulted on policy and cost issues, and is entitled to designate personnel to design and construct the reactor, subject to the approval and direction of the non-foreign applicant, these facts alone do not require a finding that the applicant is under foreign control.

An applicant that is partially owned by a foreign entity, for example, partial ownership of 50% or greater, may still be eligible for a license if certain conditions are imposed, such as requiring that officers and employees of the applicant responsible for special nuclear material must be U.S. citizens.

Where an applicant that is seeking to acquire a 100% interest in the facility is wholly owned by a U.S. company that is wholly owned by a foreign corporation, the applicant will not be eligible for a license, unless the Commission knows that the foreign parent's stock is "largely" owned by U.S. citizens. If the foreign parent's stock is owned by U.S. citizens, and certain conditions are imposed, such as requiring that only U.S. citizens within the applicant organization be responsible for special nuclear material, the applicant may still be eligible for a license, notwithstanding the foreign control limitation. If the applicant is seeking to acquire less than a 100% interest, further consideration is required. Further consideration will be given to: (1) the extent of the proposed partial ownership of the reactor; (2) whether the applicant is seeking authority to operate the reactor; (3) whether the applicant has interlocking directors or officers and details concerning the relevant companies; (4) whether the applicant would have any access to restricted data; and (5) details concerning ownership of the foreign parent company.

⁴In any event, a license would not be issued to any person if the Commission found that issuance would be inimical to the common defense and security or to the health and safety of the public. See, e.g., sections 103d and 104d of the AEA. Pursuant to this provision, the Commission has the authority to reject a license application that raises a clear proliferation threat, terrorist threat, or other threat to the common defense and security of the United States.

4. Review Procedures

4.1 Threshold Review and Determination

The reviewer should first analyze all of the information submitted by the applicant sufficient to comply with 10 CFR 50.33(d), as well as other relevant information of which the reviewer is aware, to determine whether there is any reason to believe that the applicant is an alien or citizen, national, or agent of a foreign country, or an entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government. If there is no such reason to believe based on the foregoing information, no further review is required and the reviewer should proceed to make a recommendation regarding whether there is any foreign control obstacle to granting the application. On the other hand, if there is any reason to believe that the applicant may be owned, controlled, or dominated by foreign interests, the reviewer should request and obtain the additional information specified in Section 2.2.

4.2 Supplementary Review

If it is necessary to obtain the additional information specified in Section 2.2, the reviewer should consider the acceptance criteria above, and consult with the Office of the General Counsel on Commission precedent. Information related to the items listed below may be sought and may be taken into consideration in determining whether the applicant is foreign owned, controlled, or dominated. The fact that some of the below listed conditions may apply does not necessarily render the applicant ineligible for a license.

1. Whether any foreign interests have management positions such as directors, officers, or executive personnel in the applicant's organization.

2. Whether any foreign interest controls, or is in a position to control the election, appointment, or tenure of any of the applicant's directors, officers, or executive personnel. If the reviewer knows that a domestic corporation applicant is held in part by foreign stockholders, the percentage of outstanding voting stock so held should be quantified. However, recognizing that shares change hands rapidly in the international equity markets, the staff usually does not evaluate power reactor licensees to determine the degree to which foreign entities or individuals own relatively small numbers of shares of the licensees' voting stock. The Commission has not determined a specific threshold above which it would

be conclusive that an applicant is controlled by foreign interests.

3. Whether the applicant is indebted to foreign interests or has contractual or other agreements with foreign entities that may affect control of the applicant.

4. Whether the applicant has interlocking directors or officers with foreign corporations.

5. Whether the applicant has foreign involvement not otherwise covered by items 1-4 above.

4.3 Supplementary Determination

After reviewing the additional information specified in Section 2.2, if the reviewer continues to conclude that the applicant may be an alien or owned, controlled, or dominated by foreign interests, or has some reason to believe that may be the case, the reviewer shall determine:

1. The nature and extent of foreign ownership, control, or domination, to include whether a foreign interest has a controlling or dominant minority position.

2. The source of foreign ownership, control, or domination, to include identification of immediate, intermediate, and ultimate parent organizations.

3. The type of actions, if any, that would be necessary to negate the effects of foreign ownership, control, or domination to a level consistent with the Atomic Energy Act and NRC regulations.

On the other hand, if the reviewer determines after reviewing the additional information specified in Section 2.2 that there is no further reason to believe that the applicant is an alien or owned, controlled, or dominated by a foreign person or entity, no additional review is necessary.

4.4 Negation Action Plan

If the reviewer continues to conclude following the Supplementary Determination that an applicant may be considered to be foreign owned, controlled, or dominated, or that additional action would be necessary to negate the foreign ownership, control, or domination, the applicant shall be promptly advised and requested to submit a negation action plan. When factors not related to ownership are present, the plan shall provide positive measures that assure that the foreign interest can be effectively denied control or domination. Examples of such measures that may be sufficient to negate foreign control or domination include:

1. Modification or termination of loan agreements, contracts, and other understandings with foreign interests.

2. Diversification or reduction of foreign source income.

3. Demonstration of financial viability independent of foreign interests.

4. Elimination or resolution of problem debt.

5. Assignment of specific oversight duties and responsibilities to board members.

6. Adoption of special board resolutions.

5. Evaluation Findings

The reviewer should verify that sufficient information has been provided to satisfy the regulations and this Standard Review Plan. In consideration of the guidance of this Standard Review Plan, the reviewer should then draft an analysis and recommendation, based on the applicable information specified in Sections 2 and 4 above, concerning whether the reviewer knows, or has reason to believe that the applicant is an alien, or is a corporation or other entity that is owned, controlled, or dominated by an alien, a foreign corporation, or foreign government, and whether there are conditions that should be imposed before granting the application so as to effectively deny foreign control of the applicant.

6. References

1. Sections 103, 104, and 184 of the Atomic Energy Act of 1954, as amended (42 USC 2133, 2134, and 2234).

2. Part 50 "Domestic Licensing of Production and Utilization Facilities" of Title 10 of the *Code of Federal Regulations* (10 CFR Part 50).

3. General Electric Co. and Southwest Atomic Energy Associates, Docket No. 50-231, 3 AEC 99 (1966).

4. Letter from W. Dircks to J. MacMillan (Dec. 17, 1982) (Re: Babcock & Wilcox/McDermott) (attached).

5. Letter from N. Palladino to A. Simpson (Sept. 22, 1983) w/attachment (Re: Union Carbide/Cintichem) (attached).

[FR Doc. 99-25182 Filed 9-27-99; 8:45 am]

BILLING CODE 7590-01-P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request

In compliance with Public Law 104-13, the Paperwork Reduction Act of 1995, SSA is providing notice of its information collections that require submission to the Office of Management and Budget (OMB). 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.

The information collections listed below will be submitted to OMB within 60 days from the date of this notice. Therefore, comments and recommendations regarding the information collections would be most useful if received by the Agency within 60 days from the date of this publication. Comments should be directed to the SSA Reports Clearance Officer at the address listed at the end of the notices. You can obtain a copy of the collection instruments by calling the SSA Reports Clearance Officer on (410) 965-4145, or by writing to him.

1. **Representative Payee System—0960-NEW.** The information collected is used to determine the proper payee for a Social Security beneficiary, and aids in the investigation of a payee applicant. The information establishes the applicant's relationship to the beneficiary, the justification, the concern for the beneficiary and the manner in which the benefits will be used. The respondents are applicants for selection as representative payee for Old-Age, Survivors and Disability Insurance (OASDI); Supplemental Security Income (SSI); and Black Lung benefits. The time it takes to collect the information ranges from 5 minutes for a simple representative payee interview to 45 minutes for a complicated interview. We have used an average to compute the public reporting burden, shown below.

Number of Respondents: 1,574,786
Frequency of Response: 1
Average Burden Per Response: 25 minutes
Estimated Annual Burden: 656,161 hours

2. **Modernized Enumeration System—0960-NEW.** The information collected is used to assign a Social Security Number (SSN) and issue a card. The SSN is used to keep an accurate record of each individual's earnings for the payment of benefits. It is also used for administrative purposes as an identifier for health-maintenance and income-maintenance programs, such as the OASDI program; the SSI program; and other programs administered by the Federal government including Black Lung, Medicare and veterans compensation and pension programs. The Internal Revenue Service uses the SSN as a taxpayer identification number for those individuals who are eligible to be assigned an SSN. The respondents are applicants for a Social Security Card.

Number of Respondents: 12,385,502

Frequency of Response: 1
Average Burden Per Response: 5 minutes
Estimated Annual Burden: 1,032,125 hours

3. **Lump-Sum Death Payment Application (Modernized Claims System)—0960-NEW.** The information collected is required to authorize payment of the lump-sum death benefit to a widow, widower, or children as defined in section 202(i) of the Social Security Act. The respondents are widows, widowers or children who apply for a lump-sum death payment.

Number of Respondents: 736,250
Frequency of Response: 1
Average Burden Per Response: 20 minutes
Estimated Annual Burden: 245,417 hours

SAA Address: Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 6401 Security Blvd., 1-A-21 Operations Bldg., Baltimore, MD 21235.

Dated: September 22, 1999.

Frederick W. Brickenkamp,
Reports Clearance Officer, Social Security Administration.

[FR Doc. 99-25152 Filed 9-27-99; 8:45 am]
BILLING CODE 4190-29-P

DEPARTMENT OF STATE

[Public Notice No. 3101]

Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Working Group on Fire Protection; Notice of Meeting

The U.S. Safety of Life at Sea (SOLAS) Working Group on Fire Protection will conduct an open meeting on Tuesday, October 19, 1999, at 9:30 AM, in room 2415 at U.S. Coast Guard Headquarters, 2100 Second Street, SW, Washington, DC 20593. The purpose of the meeting will be to prepare for discussions anticipated to take place at the Forty-fourth Session of the International Maritime Organization's Subcommittee on Fire Protection, to be held February 21-25, 2000.

The meeting will focus on proposed amendments to the 1974 SOLAS Convention for the safety of commercial vessels. Specific discussion areas include: comprehensive review of SOLAS chapter II-2, unified interpretations to SOLAS II-2 and related fire test procedures, recommendations on evaluation analysis for passenger ships and high-speed passenger craft, fire test procedures for fire retardant materials

used in the construction of lifeboats, and use of perfluorocarbons in shipboard fire-extinguishing systems.

Members of the public wishing to make a statement on new issues or proposals at the meeting are requested to submit a brief summary to the U.S. Coast Guard five days prior to the meeting.

Members of the public may attend this meeting up to the seating capacity of the room. Interested persons may obtain more information regarding the meeting of the SOLAS Working Group on Fire Protection by writing: Office of Design and Engineering Standards, Commandant (G-MSE-4), U.S. Coast Guard, 2100 Second St., S.W., Washington, DC 20593, by calling: LT Kevin Kiefer at (202) 267-1444, or by visiting the following World Wide Website: <http://www.uscg.mil/hq/g-m/mse4/stdimofp.htm>.

Dated: September 21, 1999.

Stephen M. Miller,
Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 99-25207 Filed 9-27-99; 8:45 am]
BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-1998-4821]

Duluth, Missabe and Iron Range Railway Company; Public Hearing

The Duluth, Missabe and Iron Range Railway Company (DMIR) has petitioned the Federal Railroad Administration (FRA) seeking relief from the requirements of Section 236.51 of the Rules, Standards, and Instructions (RS&I) Title 49, Code of Federal Regulations, (CFR) Part 236.51, to the extent that DMIR be permitted to utilize wheel count-based trap circuits, on steel deck bridges in signaled territory, in lieu of maintaining the existing track circuits.

This RS&I application proceeding is identified as Docket No. FRA-1998-4821.

The FRA has issued a public notice seeking comments of interested parties and has conducted a field investigation in this matter. After examining the carrier's proposal, letters of protest, and field report, the FRA has determined that a public hearing is necessary before a final decision is made on this proposal.

Accordingly, a public hearing is hereby set for 10 a.m. on Wednesday, November 10, 1999, in Room 407 of the Federal Building and U.S. Court House

(Civic Center Complex), 515 West First Street, Duluth, Minnesota. Interested parties are invited to present oral statements at the hearing.

The hearing will be an informal one and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR Part 211.25), by a representative designated by the FRA.

The hearing will be a nonadversary proceeding and, therefore, there will be no cross-examination of persons presenting statements. The FRA representative will make an opening statement outlining the scope of the hearing. After all initial statements have been completed, those persons wishing to make brief rebuttal statements will be given the opportunity to do so in the same order in which they made their initial statements. Additional procedures, if necessary for the conduct of the hearing, will be announced at the hearing.

Issued in Washington, D.C. on September 21, 1999.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 99-25213 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-06-P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket MARAD-1999-6248]

Sea-Land Service, Inc., and U.S. Ship Management, Inc., Application for Approval of the Proposed Transfer of Maritime Security Program Operating Agreements (MA/MSP-29 Through MA/MSP-43)

By application completed September 21, 1999, Sea-Land Service, Inc. (Sea-Land), and U.S. Ship Management, Inc. (USSM) notified the Maritime Administration (MARAD) of the proposed transfer of 15 Maritime Security Program (MSP) Operating Agreements (MA/MSP-29 through MA/MSP-43) from Sea-Land to USSM, pursuant to section 652(j), Sub-title VI-B, Merchant Marine Act, 1936, as amended (1936 Act). The vessels originally subject to those contracts are also to be concomitantly transferred to USSM for operation. Sea-Land received the initial award of the MSP Operating Agreements on December 20, 1996.

The proposed transfer of MSP Operating Agreements MA/MSP-29 through MA/MSP-43 is part of a series of overall transactions whereby affiliates of the A.P. Moller Group (Maersk) will acquire the international container operations of Sea-Land. In all, 19 U.S.-

flag vessels will be transferred from Sea-Land to USSM, including the 15 associated with the MSP Operating Agreements.

With respect to the transfer of MSP Operating Agreements, section 652(j) of the 1936 Act provides that "A Contractor under an operating agreement may transfer the agreement (including all rights and obligations under the agreement) to any person eligible to enter into that Operating Agreement under this subtitle after notification of the Secretary [of Transportation] in accordance with regulations prescribed by the Secretary, unless the transfer is disapproved by the Secretary within 90 days after the date of Notification. A person to whom an Operating Agreement is transferred may receive payments from the Secretary under the agreement only if each vessel to be covered by the agreement after the transfer is an eligible vessel under section 651(b)."

In implementing the proposed transaction, it is asserted that under a U.S. citizen owner trust structure, the MSP Vessels will be bareboat chartered to USSM, which will time charter them to Maersk Line Limited (MLL), an affiliate of Maersk and a documentation U.S. citizen. USSM will manage and operate the vessels utilizing former Sea-Land operations employees. USSM will crew the vessels with U.S. citizens, utilizing the same unions presently representing seagoing employees on the MSP Vessels. The vessels will continue to operate in the same combination of world-wide container services as have been provided since 1995 by cooperation between Maersk and Sea-Land.

Sea-Land and USSM have requested that MARAD allow the proposed transfers to become effective in accordance with the application and pursuant to law. This notice invites comment on legal and policy issues that may be raised by the Sea-Land and USSM application, including the transfer of the 15 MSP Operating Agreements to USSM.

A redacted copy of the transfer application will be available for inspection at the Department of Transportation (DOT) Dockets Facility and on the DOT Dockets website (address information follows). Any person, firm, or corporation having an interest in this proposal, and desiring to submit comments concerning the application, may file comments as follows. You should mention the docket number that appears at the top of this notice. You should submit your written comments to the Docket Clerk, U.S. DOT Dockets, Room PL-401, Nassif

Building, Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590. Comments may also be submitted by electronic means via the internet at <http://dmses.dot.gov/submit/>. All comments will become part of the docket. You may call Docket Management at (202) 366-9324. You may visit the docket room to inspect and copy comments at the above address between 10 a.m. and 5 p.m., EDT, Monday through Friday, except holidays. An electronic version of this document is available on the World Wide Web at <http://dms.dot.gov>. Comments must be received no later than the close of business on October 13, 1999.

This notice is published as a matter of discretion, and the fact of its publication should in no way be considered a favorable or unfavorable decision on the application, as filed, or as may be amended. MARAD will consider any comments timely submitted, and take such action with respect thereto as may be deemed appropriate.

By Order of the Maritime Administration.

Dated: September 22, 1999.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 99-25124 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-81-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

Safety Performance Standards Program Meeting

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of NHTSA rulemaking status meeting.

SUMMARY: This notice announces a public meeting at which NHTSA will answer questions from the public and the automobile industry regarding the agency's vehicle regulatory program. **DATES:** The Agency's regular, quarterly public meeting relating to its vehicle regulatory program will be held on Thursday, December 16, 1999, beginning at 9:45 a.m. and ending at approximately 12:00 p.m. at the Tysons Westpark Hotel, McLean, VA. Questions relating to the vehicle regulatory program must be submitted in writing with a diskette (Wordperfect) by Thursday, November 18, 1999, to the address shown below or by e-mail. If sufficient time is available, questions received after November 18 may be answered at the meeting. The individual, group or company

submitting a question(s) does not have to be present for the question(s) to be answered. A consolidated list of the questions submitted by November 18, 1999, and the issues to be discussed, will be posted on NHTSA's web site (www.nhtsa.dot.gov) by Monday, December 13, 1999, and also will be available at the meeting.

ADDRESSES: Questions for the December 16, NHTSA Rulemaking Status Meeting, relating to the agency's vehicle regulatory program, should be submitted to Delia Lopez, NPS-01, National Highway Traffic Safety Administration, Room 5401, 400 Seventh Street, SW., Washington, DC 20590, Fax Number 202-366-4329, e-mail dlopez@nhtsa.dot.gov. The meeting will be held at the Tysons Westpark Hotel, 8401 Westpark Drive, McLean, VA.

FOR FURTHER INFORMATION CONTACT: Delia Lopez, (202) 366-1810.

SUPPLEMENTARY INFORMATION: NHTSA holds a regular, quarterly meeting to answer questions from the public and the regulated industries regarding the agency's vehicle regulatory program. Questions on aspects of the agency's research and development activities that relate directly to ongoing regulatory actions should be submitted, as in the past, to the agency's Safety Performance Standards Office. The purpose of this meeting is to focus on those phases of NHTSA activities which are technical, interpretative or procedural in nature. Transcripts of these meetings will be available for public inspection in the DOT Docket in Washington, DC, within four weeks after the meeting. Copies of the transcript will then be available at ten cents a page, (length has varied from 80 to 150 pages) upon request to DOT Docket, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590. The DOT Docket is open to the public from 10:00 a.m. to 5:00 p.m. The transcript may also be accessed electronically at <http://dms.dot.gov>, at docket NHTSA-1999-5087. Questions to be answered at the quarterly meeting should be organized by categories to help us process the questions into an agenda form more efficiently. Sample format:

- I. RULEMAKING
 - A. Crash avoidance
 - B. Crashworthiness
 - C. Other Rulemakings
- II. CONSUMER INFORMATION
- III. MISCELLANEOUS

NHTSA will provide auxiliary aids to participants as necessary. Any person desiring assistance of "auxiliary aids" (e.g., sign-language interpreter, telecommunications devices for deaf persons (TDDs), readers, taped texts,

brailled materials, or large print materials and/or a magnifying device), please contact Delia Lopez on (202) 366-1810, by COB November 18, 1999.

Issued: September 21, 1999.

Stephen R. Kratzke,

Acting Associate Administrator for Safety Performance Standards.

[FR Doc. 99-25086 Filed 9-27-99; 8:45 am]

BILLING CODE 4910-59-U

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB-520]

Salt Lake City Railroad Company, Inc.—Adverse Abandonment—Line of Utah Transit Authority in Salt Lake City, UT

On September 8, 1999, Utah Transit Authority (UTA) filed an adverse application¹ under 49 U.S.C. 10903 requesting that the Surface Transportation Board (Board) find that the public convenience and necessity require or permit the abandonment by the Salt Lake City Southern Railroad Company, Inc. (SLCS), of a rail line from milepost 798.74 at Ninth South Street in Salt Lake City to the milepost 775.19 at the Salt Lake County/Utah County boundary line near Mount (including the 1.4-mile Lovendahl Spur connecting with the main line at milepost 790.52), a total distance of approximately 24.95 miles in Salt Lake County, UT. The line traverses United States Postal Service ZIP Codes 84101, 84115, 84107, 84047, 84070, 84092 and 84020, and includes the stations of Salt Lake City, Murray, Sandy, Draper and Mount, UT.

UTA states that it is filing the adverse application to remove the Board's jurisdiction over SLCS's common carrier operations and obligations. UTA says that it wants to replace SLCS with the Utah Railway Company (URC) as the operator of its line. URC has filed a notice of exemption to acquire and operate the line in *Utah Railway Company—Acquisition and Operation Exemption—Lines of Utah Transit Authority in Salt Lake City, UT*, STB Finance Docket No. 33785 (STB served Aug. 30, 1999) (64 FR 47229).

UTA, a noncarrier, acquired the underlying right-of-way and track from the Union Pacific Railroad Company. See *Utah Transit Authority—Acquisition Exemption—Line of Union Pacific Railroad Company*, Finance Docket No. 32186 (ICC served Dec. 31,

1992). UTA is apparently using the line for light rail passenger service. SLCS is operating freight service on the line under a permanent easement. See *Salt Lake City Southern Railroad Company, Inc.—Acquisition and Operation Exemption—Line Between Mount and Salt Lake City, UT*, Finance Docket No. 32276 (ICC served Apr. 23, 1993).

In a decision served in this proceeding on August 26, 1999, UTA was granted a waiver of some of the filing requirements of 49 CFR 1152 that were not relevant to its intended adverse abandonment application. However, UTA was required to provide information about the physical condition of the line.

The August 26 decision also noted that the continued viability of freight service would be a relevant issue in this abandonment proceeding. It was also indicated that the Board would be concerned if the common carrier obligation for continued freight service would be impeded by light rail passenger service or by any restrictions or limitations UTA has allegedly placed on freight operations. As a result, UTA was required to provide information in its application about how its light rail service affects freight service to shippers.

UTA was also granted a waiver of the environmental regulations in 49 CFR 1105.6(c)(6) and 1105.8(b)(3) because freight operation would be continued on the line by URC. The decision noted that, even though the proceeding is an abandonment of the line because SLCS holds a permanent easement to operate the line, environmental and historic reporting requirements would indeed be unnecessary for the adverse abandonment application if rail service will be continued by another operator.

In an application by a third party for a determination that the public convenience and necessity permit a line to be discontinued or abandoned, the issue before the Board is whether the public interest requires that the line in question be retained as part of the national rail system. By granting a third party application, the Board withdraws its primary jurisdiction over the line. Questions of the disposition of the line, including the adjudication of various claims of ownership or other rights and obligations, are left to the state or local authorities. *Kansas City Pub. Ser. Frgt. Operation—Exempt.—Aban.*, 7 I.C.C.2d 216, 224-25 (1990).

UTA has served notice of its application on shippers served by the line. Shippers can individually submit protests or comments on the proposal that will be considered by the Board in

¹ An abandonment of a railroad's service sought by a party other than the railroad is called an "adverse" abandonment.

ruling on the merits of the adverse abandonment application.

There is no indication that the line contains any federally granted right-of-way. Any documentation in the UTA's possession will be made available promptly to those requesting it. UTA's entire case for adverse abandonment was filed with the application.

The interest of affected railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed adverse abandonment or protests (including the protestant's entire opposition case), by October 25, 1999. Because this adverse abandonment is the functional equivalent of a discontinuance of trackage rights where rail service would be continued by another operator, trail use/rail banking, and public use requests are not appropriate, and the public interest does not require the consideration of offers of financial assistance. Likewise, no environmental or historical documents are required here.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest by October 25, 1999. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments by October 25, 1999. Parties seeking information concerning the filing of protests should refer to section 1152.25. The due date for UTA's reply is November 8, 1999.

All filings in response to this notice must refer to STB Docket No. AB-520 and must be sent to (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001 and (2) Kevin M. Sheys, Oppenheimer, Wolff, Donnelly & Bayh, LLP, 1350 I Street, NW, Suite 200, Washington, DC 20005-3324. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment regulations at 49 CFR part 1152.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Decided: September 16, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99-24851 Filed 9-27-99; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Office of the Comptroller of the Currency

Office of Thrift Supervision

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities; Proposed Collection; Comment Request; Suspicious Activity Report

AGENCY: Financial Crimes Enforcement Network (FinCEN), Office of the Comptroller of the Currency (OCC), Office of Thrift Supervision (OTS), Board of Governors of the Federal Reserve System (Board), Federal Deposit Insurance Corporation (FDIC), National Credit Union Administration (NCUA).

ACTION: Notice and request for comments.

SUMMARY: FinCEN and the Supervisory Agencies (OCC, OTS, Board, FDIC, and NCUA), as part of their continuing effort to reduce paperwork and respondent burden, invite the general public and other Federal agencies to take this opportunity to comment on information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). FinCEN, OCC, OTS, Board, FDIC, and NCUA are soliciting comments concerning the Suspicious Activity Report, which is being streamlined and formatted for four-digit dates (a Year 2000 change) as explained in this notice. The OCC is also soliciting comments on all information collections contained in 12 CFR Part 21. No new reporting requirements are being added.

DATES: Written comments should be received on or before November 29, 1999, to be assured of consideration.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control

number(s), will be shared among the agencies. Direct all written comments as follows:

FinCEN: Financial Crimes Enforcement Network, Department of the Treasury, Suite 200, 2070 Chain Bridge Road, Vienna, VA 22182-2536, *Attention:* Revised SAR. Comments also may be submitted by electronic mail to the following Internet address: "regcomments@fincen.treas.gov" with the caption in the body of the text, "*Attention:* Revised SAR".

OCC: Communications Division, Office of the Comptroller of the Currency, 250 E Street, SW., Third Floor, Attention: 1557-0180, Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874-5274, or by electronic mail to REGS.COMMENTS@OCC.TREAS.GOV.

OTS: Manager, Dissemination Branch, Information Management and Services, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, Attention 1550-0003. These submissions may be hand delivered to 1700 G Street, NW., lower level, from 9 a.m. to 5 p.m. on business days; they may be sent by facsimile transmission to FAX Number (202) 906-7755; or they may be sent by e-mail: public.info@ots.treas.gov. Those commenting by e-mail should include their name and telephone number. Comments over 25 pages in length should be sent to FAX Number (202) 906-6956. Comments will be available for inspection at 1700 G Street, NW., until 4 p.m. on business days. Copies of the form are available for inspection at 1700 G Street, NW., from 9 a.m. until 4 p.m. on business days.

Board: Comments may be mailed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551. Comments also may be delivered to Room B-2222 of the Eccles Building between 8:45 a.m. and 5:15 p.m. weekdays, or to the guard station in the Eccles Building courtyard on 20th Street, NW. (between Constitution Avenue and C Street) at any time. Comments received will be available for inspection in Room MP-500 of the Martin Building between 9 a.m. and 5 p.m. weekdays, except as provided in 12 CFR 261.8 of the Board's rules regarding availability of information.

FDIC: Written comments should be addressed 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. [FAX number (202) 898-3838; Internet address: comments@fdic.gov]. Comments may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC, between 9 a.m. and 4:30 p.m., on business days.

NCUA: Clearance Officer: Mr. James L. Baylen, (703) 518-6411, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314-3428, Fax No. 703-518-6433, E-mail: jbaylen@ncua.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or a copy of the collection may be obtained by contacting:

FinCEN: Deborah Groome, at 703 905-3744 or Scott Lodge, at (703) 905-3606, both of the Office of Data Systems Support;

OCC: Jessie Gates or Camille Dixon, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington DC 20219, (202) 874-5090.

OTS: Richard Stearns, Director, Office of Enforcement, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552, (202) 906-7966.

Board: Richard A. Small, Assistant Director, Division of Banking Supervision and Regulation, (202) 452-5235. For users of Telecommunications Devices for the Deaf (TDD) *only*, contact Diane Jenkins, (202) 452-3544, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC 20551.

FDIC: Tamara R. Manly, Office of the Executive Secretary, FDIC, 550 17th Street, NW., Washington, DC 20429, (202) 898-7453.

NCUA: NCUA Clearance Officer, James L. Baylen, (703) 518-6411, or John K. Ianno, Office of General Counsel, (703) 518-6540.

SUPPLEMENTARY INFORMATION:

Title: Suspicious Activity Report (The OCC is renewing all information collections covered under the information collection titled: "(MA)—Minimum Security Devices and Procedures, Reports of Suspicious Activities, and Bank Secrecy Act Compliance Program (12 CFR 21).")

OMB Numbers

FinCEN: 1506-0001
OCC: 1557-0180
OTS: 1550-0003
Board: 7100-0212
FDIC: 3064-0077
NCUA: 3133-0094

Form Numbers

FinCEN: TD F 90-22.47
OCC: None
OTS: 1601
Board: FR 2230
FDIC: 6710/06
NCUA: 2362

Abstract: In 1985, the Supervisory Agencies issued procedures to be used by banks and certain other financial institutions operating in the United States to report known or suspected criminal activities to the appropriate law enforcement and Supervisory Agencies. Beginning in 1994, the Supervisory Agencies and FinCEN completely redesigned the reporting process resulting in the existing Suspicious Activity Report, which became effective in April 1996.¹

Current Actions: This Notice proposes to revise the form without making substantial additions to the content of the information collected. This Notice provides an opportunity to address a number of data collection, entry and analysis problems encountered by filers and the end users of the information. In general, the revisions conform all date items to a four-digit year (a Year 2000 change), make a number of other ministerial changes such as renumbering items, clarify the form, and improve its usefulness to law enforcement and the Supervisory Agencies.

The blocks for a number of items are expanded to provide additional room for the requested information. Thus, the Zip Code items are expanded to provide room for a nine-digit Zip Code. Dollar items are expanded to provide more room for amounts (and lines are added to these items to separate digits).

A number of items now on the form are deleted. The questions regarding the asset size of the financial institution (item 10 on the form now in use) and the birth date of the witness (item 55 of the form now in use) are deleted. The question asking for the address of the law enforcement agency contacted is deleted and is replaced by a question asking for the name and telephone number of the person contacted in the law enforcement agency. The section "Preparer Information" (Part V of the form now in use) is deleted. This

¹ The report is authorized by the following rules: 31 CFR 103.21 (FinCEN); 12 CFR 21.11 (OCC); 12 CFR 563.180 (OTS); 12 CFR 208.20 (Board); 12 CFR 353.3 (FDIC); 12 CFR 748.1 (NCUA). The rules were issued under the authority of 31 U.S.C. 5318(g) (FinCEN); 12 U.S.C. 93a, 1818, 1881-84, 3401-22, 31 U.S.C. 5318 (OCC); 12 U.S.C. 1463 and 1464 (OTS); 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3015(c)(2) and 3106(a) (Board); 12 U.S.C. 93a, 1818, 1881-84, 3401-22 (FDIC); 12 U.S.C. 1766(a), 1789(a) (NCUA).

information will be provided in the section "Contact Information" (Part VI of the form now in use).

Several items on the form have been clarified. The question concerning the type of report is clarified by eliminating "Supplemental Report." Thus, the question asks only whether the report being filed is an "Initial Report" or an "Amended Report." The question regarding insider relationships is clarified by adding a box that asks, initially, whether the relationship is an insider relationship. A check box is added to the heading of Part II—Suspect Information—for use if suspect information is unavailable. Instead of the space now on the form for writing in the name of the law enforcement agency contacted, check boxes are added for indicating the specific law enforcement agency contacted. The instruction regarding the type of instrument involved (Part VII of the form now in use, instruction k) is clarified by adding examples of the types of instruments.

The question regarding the summary characterization of the activity is revised to add another box "Computer Intrusion" to the current list of boxes. In the past, filers reporting computer intrusions on the form either checked the "Other" box (item 37r of the form now in use) and wrote information in the space beside the box, or wrote the information on the summary page. The instructions to the form are also revised to provide guidance as to the circumstances that would be considered computer intrusion for purposes of the form.

Type of Review: Revision of a currently approved collection.

Affected Public: Business, for-profit institutions, and non-profit institutions.

Estimated Number of Respondents:

FinCEN: 18,600.²
OCC: 3,000.
OTS: 925.
Board: 10,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Responses:

FinCEN: 47,500.
OCC: 45,527.
OTS: 2,081.
Board: 14,000.
FDIC: 6,500.
NCUA: 4,200.

Estimated Total Annual Burden:

Estimated 30 minutes per form.

FinCEN: 23,750 hours.³

² Respondents represent many of the same institutions responding to the Supervisory Agencies.

³ Only one form is filed in satisfaction of the rules of both FinCEN and the Supervisory Agencies. The

OCC: 30,160 hours.
OTS: 1,041 hours.
Board: 7,000 hours.
FDIC: 3,250 hours.
NCUA: 2,100 hours.

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. Records required to be retained under the Bank Secrecy Act and these regulations issued by the Supervisory Agencies must be retained for five years. Generally, information collected pursuant to the Bank Secrecy Act is confidential, but may be shared as provided by law with regulatory and law enforcement authorities.

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

estimated burden per form is 30 minutes; the hourly burden does not attempt to allocate that time between agencies when the form is filed in satisfaction of the rules of more than one agency.

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: September 13, 1999.

James F. Sloan,

Director, Financial Crimes Enforcement Network.

Dated: September 8, 1999.

Karen Solomon,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

John E. Werner,

Director, Information Management and Services Office of Thrift Supervision.

Dated: September 14, 1999.

Jennifer J. Johnson,

Secretary, Board of Governors of the Federal Reserve System, 20th and Constitution Ave., N.W., Washington, DC 20551.

Dated: August 19, 1999.

Robert E. Feldman,

Executive Secretary, Federal Deposit Insurance Corporation.

By the National Credit Union Administration Board on September 2, 1999.

Becky Baker,

Secretary of the Board.

BILLING CODE 4820-03-P

<h1 style="margin: 0;">Suspicious Activity Report</h1>		<div style="border: 1px solid black; padding: 2px;">1</div>	
ALWAYS COMPLETE ENTIRE REPORT (see instructions)		FRB: FR 2230 OMB No. 7100-0212 FDIC: 6710/06 OMB No. 3064-0077 OCC: 8010-9,8010-1 OMB No. 1557-0180 OTS: 1601 OMB No. 1550-0003 NCUA: 2362 OMB No. 3133-0094 TREASURY: TD F 90-22.47 OMB No. 1506-0001	
1 Check appropriate box: a <input type="checkbox"/> Initial Report b <input type="checkbox"/> Amended Report			
Part I Reporting Financial Institution Information			
2 Name of Financial Institution		3 EIN	
4 Address of Financial Institution		5 Primary Federal Regulator	
6 City		a <input type="checkbox"/> Federal Reserve d <input type="checkbox"/> OCC	
7 State		b <input type="checkbox"/> FDIC e <input type="checkbox"/> OTS	
8 Zip Code		c <input type="checkbox"/> NCUA	
9 Address of Branch Office(s) where activity occurred <input type="checkbox"/> Multiple Branches (see instructions)			
10 City		13 If institution closed, date closed	
11 State		MM / DD / YYYY	
12 Zip Code			
14 Account number(s) affected, if any Closed? Closed?			
a _____ <input type="checkbox"/> Yes <input type="checkbox"/> No		c _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	
b _____ <input type="checkbox"/> Yes <input type="checkbox"/> No		d _____ <input type="checkbox"/> Yes <input type="checkbox"/> No	
Part II Suspect Information <input type="checkbox"/> Suspect Information Unavailable			
15 Last Name or Name of Entity		16 First Name	17 Middle
18 Address		19 SSN, EIN or TIN	
20 City		21 State	22 Zip Code
23 Country			
24 Phone Number - Residence (include area code)		25 Phone Number - Work (include area code)	
()		()	
26 Occupation/Type of Business		27 Date of Birth	
		MM / DD / YYYY	
28 Forms of Identification for Suspect:			
a <input type="checkbox"/> Driver's License/ State ID b <input type="checkbox"/> Passport c <input type="checkbox"/> Alien Registration d <input type="checkbox"/> Other _____			
e <input type="checkbox"/> Number _____ f <input type="checkbox"/> Issuing Authority _____			
29 Relationship to Financial Institution:			
a <input type="checkbox"/> Accountant d <input type="checkbox"/> Attorney g <input type="checkbox"/> Customer j <input type="checkbox"/> Officer			
b <input type="checkbox"/> Agent e <input type="checkbox"/> Borrower h <input type="checkbox"/> Director k <input type="checkbox"/> Shareholder			
c <input type="checkbox"/> Appraiser f <input type="checkbox"/> Broker i <input type="checkbox"/> Employee l <input type="checkbox"/> Other _____			
30 Is the relationship an insider relationship?		31 Date of Suspension, Termination, Resignation	
a <input type="checkbox"/> Yes b <input type="checkbox"/> No		MM / DD / YYYY	
If YES specify:		32 Admission/Confession	
c <input type="checkbox"/> Still employed at financial institution e <input type="checkbox"/> Terminated		a <input type="checkbox"/> Yes b <input type="checkbox"/> No	
d <input type="checkbox"/> Suspended f <input type="checkbox"/> Resigned			

Part III Suspicious Activity Information 2

33 Date or date range of suspicious activity From ____/____/____ To ____/____/____ <small>MM DD YYYY MM DD YYYY</small>	34 Total dollar amount involved in known or suspicious activity \$00
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35 Summary characterization of suspicious activity:

a <input type="checkbox"/> Bank Secrecy Act/Structuring/ Money Laundering b <input type="checkbox"/> Bribery/Gratuity c <input type="checkbox"/> Check Fraud d <input type="checkbox"/> Check Kiting e <input type="checkbox"/> Commercial Loan Fraud s <input type="checkbox"/> Other _____ (type of activity)	f <input type="checkbox"/> Computer Intrusion g <input type="checkbox"/> Consumer Loan Fraud h <input type="checkbox"/> Counterfeit Check i <input type="checkbox"/> Counterfeit Credit/Debit Card j <input type="checkbox"/> Counterfeit Instrument (other) k <input type="checkbox"/> Credit Card Fraud	l <input type="checkbox"/> Debit Card Fraud m <input type="checkbox"/> Defalcation/Embezzlement n <input type="checkbox"/> False Statement o <input type="checkbox"/> Misuse of Position or Self Dealing p <input type="checkbox"/> Mortgage Loan Fraud q <input type="checkbox"/> Mysterious Disappearance r <input type="checkbox"/> Wire Transfer Fraud
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36 Amount of loss prior to recovery (if applicable) \$00	37 Dollar amount of recovery (if applicable) \$00	38 Has the suspicious activity had a material impact on, or otherwise affected, the financial soundness of the institution? a <input type="checkbox"/> Yes b <input type="checkbox"/> No
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39 Has the institution's bonding company been notified?
 a Yes b No

40 Has any law enforcement agency already been advised by telephone, written communication, or otherwise?

a <input type="checkbox"/> DEA	d <input type="checkbox"/> Postal Inspection	g <input type="checkbox"/> Other Federal
b <input type="checkbox"/> FBI	e <input type="checkbox"/> Secret Service	h <input type="checkbox"/> State
c <input type="checkbox"/> IRS	f <input type="checkbox"/> U.S. Customs	i <input type="checkbox"/> Local
j <input type="checkbox"/> Agency Name (for g, h or i) _____		

41 Name of person(s) contacted	42 Phone Number (include area code) ()
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43 Name of person(s) contacted	44 Phone Number (include area code) ()
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Part IV Witness Information

45 Last Name	46 First Name	47 Middle
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48 Address	49 SSN
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50 City	51 State	52 Zip Code
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53 Title/Occupation	54 Phone Number (include area code) ()	55 Interviewed? a <input type="checkbox"/> Yes b <input type="checkbox"/> No
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Part V Contact Information

56 Last Name	57 First Name	58 Middle
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59 Title/Occupation	60 Phone Number (include area code) ()	61 Date Prepared ____/____/____ <small>MM DD YYYY</small>
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62 Agency (if not filed by financial institution)

Part VI	Suspicious Activity Information Explanation/Description	3
<p>Explanation/description of known or suspected violation of law or suspicious activity. This section of the report is critical. The care with which it is written may make the difference in whether or not the described conduct and its possible criminal nature are clearly understood. Provide below a chronological and complete account of the possible violation of law, including what is unusual, irregular or suspicious about the transaction, using the following checklist as you prepare your account. If necessary, continue the narrative on a duplicate of this page.</p> <p>a Describe supporting documentation and retain for 5 years.</p> <p>b Explain who benefited, financially or otherwise, from the transaction, how much, and how.</p> <p>c Retain any confession, admission, or explanation of the transaction provided by the suspect and indicate to whom and when it was given.</p> <p>d Retain any confession, admission, or explanation of the transaction provided by any other person and indicate to whom and when it was given.</p> <p>e Retain any evidence of cover-up or evidence of an attempt to deceive federal or state examiners or others.</p>	<p>f Indicate where the possible violation took place (e.g., main office, branch, other).</p> <p>g Indicate whether the possible violation is an isolated incident or relates to other transactions.</p> <p>h Indicate whether there is any related litigation; if so, specify.</p> <p>i Recommend any further investigation that might assist law enforcement authorities.</p> <p>j Indicate whether any information has been excluded from this report; if so, why?</p> <p>For Bank Secrecy Act/Structuring/Money Laundering reports, include the following additional information:</p> <p>k Indicate whether currency and/or monetary instruments were involved. If so, provide the amount and/or description of the instrument (for example, bank draft, letter of credit, domestic or international money order, stocks, bonds, traveler's checks, wire transfers sent or received, cash, etc.).</p> <p>l Indicate any account number that may be involved or affected.</p>	

Paperwork Reduction Act Notice: The purpose of this form is to provide an effective and consistent means for financial institutions to notify appropriate law enforcement agencies of known or suspected criminal conduct or suspicious activities that take place at or were perpetrated against financial institutions. This report is required by law, pursuant to authority contained in the following statutes. Board of Governors of the Federal Reserve System: 12 U.S.C. 324, 334, 611a, 1844(b) and (c), 3105(c) (2) and 3106(a). Federal Deposit Insurance Corporation: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of the Comptroller of the Currency: 12 U.S.C. 93a, 1818, 1881-84, 3401-22. Office of Thrift Supervision: 12 U.S.C. 1463 and 1464. National Credit Union Administration: 12 U.S.C. 1766(a), 1786(q). Financial Crimes Enforcement Network: 31 U.S.C. 5318(g). Information collected on this report is confidential (5 U.S.C. 552(b)(7) and 552a(k)(2), and 31 U.S.C. 5318(g)). The Federal financial institutions' regulatory agencies and the U.S. Departments of Justice and Treasury may use and share the information. Public reporting and recordkeeping burden for this information collection is estimated to average 30 minutes per response, and includes time to gather and maintain data in the required report, review the instructions, and complete the information collection. Send comments regarding this burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project, Washington, DC 20503 and, depending on your primary Federal regulatory agency, to Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551; or Assistant Executive Secretary, Federal Deposit Insurance Corporation, Washington, DC 20429; or Legislative and Regulatory Analysis Division, Office of the Comptroller of the Currency, Washington, DC 20219; or Office of Thrift Supervision, Enforcement Office, Washington, DC 20552; or National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314; or Office of the Director, Financial Crimes Enforcement Network, Department of the Treasury, 2070 Chain Bridge Road, Vienna, VA 22182. The agencies may not conduct or sponsor, and an organization (or a person) is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Suspicious Activity Report
Instructions**

Safe Harbor Federal law (31 U.S.C. 5318(g)(3)) provides complete protection from civil liability for all reports of suspected or known criminal violations and suspicious activities to appropriate authorities, including supporting documentation, regardless of whether such reports are filed pursuant to this report's instructions or are filed on a voluntary basis. Specifically, the law provides that a financial institution, and its directors, officers, employees and agents, that make a disclosure of any possible violation of law or regulation, including in connection with the preparation of suspicious activity reports, "shall not be liable to any person under any law or regulation of the United States or any constitution, law, or regulation of any State or political subdivision thereof, for such disclosure or for any failure to notify the person involved in the transaction or any other person of such disclosure."

Notification Prohibited Federal law (31 U.S.C. 5318(g)(2)) requires that a financial institution, and its directors, officers, employees and agents who, voluntarily or by means of a suspicious activity report, report suspected or known criminal violations or suspicious activities may not notify any person involved in the transaction that the transaction has been reported.

In situations involving violations requiring immediate attention, such as when a reportable violation is ongoing, the financial institution shall immediately notify, by telephone, appropriate law enforcement and financial institution supervisory authorities in addition to filing a timely suspicious activity report.

WHEN TO MAKE A REPORT:

1. All financial institutions operating in the United States, including insured banks, savings associations, savings association service corporations, credit unions, bank holding companies, nonbank subsidiaries of bank holding companies, Edge and Agreement corporations, and U.S. branches and agencies of foreign banks, are required to make this report following the discovery of:
 - a. **Insider abuse involving any amount.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying one of its directors, officers, employees, agents or other institution-affiliated parties as having committed or aided in the commission of a criminal act regardless of the amount involved in the violation.
 - b. **Violations aggregating \$5,000 or more where a suspect can be identified.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, and the financial institution has a substantial basis for identifying a possible suspect or group of suspects. If it is determined prior to filing this report that the identified suspect or group of suspects has used an "alias," then information regarding the true identity of the suspect or group of suspects, as well as alias identifiers, such as drivers' licenses or social security numbers, addresses and telephone numbers, must be reported.
 - c. **Violations aggregating \$25,000 or more regardless of a potential suspect.** Whenever the financial institution detects any known or suspected Federal criminal violation, or pattern of criminal violations, committed or attempted against the financial institution or involving a transaction or transactions conducted through the financial institution and involving or aggregating \$25,000 or more in funds or other assets, where the financial institution believes that it was either an actual or potential victim of a criminal violation, or series of criminal violations, or that the financial institution was used to facilitate a criminal transaction, even though there is no substantial basis for identifying a possible suspect or group of suspects.
 - d. **Transactions aggregating \$5,000 or more that involve potential money laundering or violations of the Bank Secrecy Act.** Any transaction (which for purposes of this subsection means a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of any stock, bond, certificate of deposit, or other monetary instrument or investment security, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected) conducted or

attempted by, at or through the financial institution and involving or aggregating \$5,000 or more in funds or other assets, if the financial institution knows, suspects, or has reason to suspect that:

- i. The transaction involves funds derived from illegal activities or is intended or conducted in order to hide or disguise funds or assets derived from illegal activities (including, without limitation, the ownership, nature, source, location, or control of such funds or assets) as part of a plan to violate or evade any law or regulation or to avoid any transaction reporting requirement under Federal law;
- ii. The transaction is designed to evade any regulations promulgated under the Bank Secrecy Act; or
- iii. The transaction has no business or apparent lawful purpose or is not the sort in which the particular customer would normally be expected to engage, and the financial institution knows of no reasonable explanation for the transaction after examining the available facts, including the background and possible purpose of the transaction.

The Bank Secrecy Act requires all financial institutions to file currency transaction reports (CTRs) in accordance with the Department of the Treasury's implementing regulations (31 CFR Part 103). These regulations require a financial institution to file a CTR whenever a currency transaction exceeds \$10,000. If a currency transaction exceeds \$10,000 and is suspicious, the institution must file both a CTR (reporting the currency transaction) and a suspicious activity report (reporting the suspicious or criminal aspects of the transaction). If a currency transaction equals or is below \$10,000 and is suspicious, the institution should only file a suspicious activity report.

2. **Computer Intrusion.** For purposes of this report, "computer intrusion" is defined as gaining access to a computer system of a financial institution to:
 - a. Remove, steal, procure or otherwise affect funds of the institution or the institution's customers;
 - b. Remove, steal, procure or otherwise affect critical information of the institution including customer account information; or
 - c. Damage, disable or otherwise affect critical systems of the institution.

For purposes of this reporting requirement, computer intrusion does not mean attempted intrusions of websites or other non-critical information systems of the institution that provide no access to institution or customer financial or other critical information.

3. A financial institution is required to file a suspicious activity report no later than 30 calendar days after the date of initial detection of facts that may constitute a basis for filing a suspicious activity report. If no suspect was identified on the date of detection of the incident requiring the filing, a financial institution may delay filing a suspicious activity report for an additional 30 calendar days to identify a suspect. In no case shall reporting be delayed more than 60 calendar days after the date of initial detection of a reportable transaction.
4. This suspicious activity report does not need to be filed for those robberies and burglaries that are reported to local authorities, or (except for savings associations and service corporations) for lost, missing, counterfeit or stolen securities that are reported pursuant to the requirements of 17 CFR 240.17f-1.

HOW TO MAKE A REPORT:

1. Send each completed suspicious activity report to:

FinCEN, Detroit Computing Center, P.O. Box 33980, Detroit, MI 48232-0980

2. For items that do not apply or for which information is not available, leave blank.
3. Complete each suspicious activity report in its entirety, even when the suspicious activity report is an amended report.
4. Do not include supporting documentation with the suspicious activity report. Identify and retain a copy of the suspicious activity report and all original supporting documentation or business record equivalent for 5 years from the date of the suspicious activity report. All supporting documentation must be made available to appropriate authorities upon request.
5. If more space is needed to complete an item (for example, to report an additional suspect or witness), a copy of the page containing the item should be used to provide the information.
6. Financial institutions are encouraged to provide copies of suspicious activity reports to state and local authorities, where appropriate.

DEPARTMENT OF THE TREASURY**Departmental Offices; 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 burdens, invites the general public and other Federal agencies to comment on an information collection that is due for renewed approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning Treasury International Capital Form BQ-1, Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; and Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

DATES: Written comments should be received on or before November 29, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, Treasury International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 M.T., 1500 Pennsylvania Avenue NW, Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Dwight Wolkow, Treasury International Portfolio Investment Data Systems, Department of the Treasury, Room 5205 M.T., 1500 Pennsylvania Avenue NW, Washington, DC 20220, (202) 622-1276.

SUPPLEMENTARY INFORMATION:

Title: Treasury International Capital Form BQ-1. Part 1: Reporting Bank's Own Claims, and Selected Claims of Broker or Dealer, on Foreigners; Part 2: Domestic Customers' Claims on Foreigners Held by Reporting Bank, Broker or Dealer, Payable in Dollars.

OMB Number: 1505-0016.

Abstract: Form BQ-1 is part of the Treasury International Capital (TIC) reporting system, which is required by law (22 U.S.C. 286f; 22 U.S.C. 3103; EO 10033; 31 CFR Part 128) and is designed to collect timely information on international portfolio capital movements. This quarterly report covers the U.S. dollar claims of banks, other depository institutions, brokers and dealers, and of their domestic customers *vis-à-vis* foreign residents. This information is necessary for compiling the U.S. balance of payments accounts, for calculating the U.S. international

investment position, and for use in formulating U.S. international financial and monetary policies.

Current Actions: No changes to reporting requirements are proposed at this time.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Form BQ-1 (1505-0016).

Estimated Number of Respondents: 600.

Estimated Average Time per Respondent: Four (4) hours per respondent per filing.

Estimated Total Annual Burden Hours: 9,600 hours, based on four reporting periods per year.

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. The public is invited to submit written comments concerning: whether Form BQ-1 is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; the accuracy of the above burden estimates; ways to enhance the quality, usefulness, and clarity of the information to be collected; ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and estimates of capital or start-up costs of operation, maintenance, and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 99-25143 Filed 9-27-99; 8:45 am]

BILLING CODE 4810-25-M

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0381]

Proposed Information Collection Activity; Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of

1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine the holder's election to convey and transfer foreclosed property to VA.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900-0381" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Notice for Election to Convey and/or Invoice for Transfer of Property, VA Form 26-8903.

OMB Control Number: 2900-0381.

Type of Review: Extension of a currently approved collection.

Abstract: Section 3732 of Title 38, U.S.C., and 38 CFR 36.4320(a)(1), provides that if a minimum amount for credit to the borrower's indebtedness has been specified by VA in relation to the sale of the real property and the holder is the successful bidder at the sale for no more than the amount

specified by the Secretary, the holder will credit the indebtedness with that amount. The holder may then retain the property, or not later than 15 days after the date of sale, advise the Secretary of its election to convey and transfer the property to the Secretary. VA Form 26-8903 serves four purposes: holder's election to convey; invoice for the purchase price of the property; VA's voucher for authorizing payment to the holder; and establishment of the VA's property records. The form provides the holder, who has elected to convey a property to the VA, with a convenient and uniform means of notification to the proper VA regional office. This form simplifies processing for lenders/holders who, in most instances, operate branch offices statewide and nationwide.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 5,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Dated: August 19, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 99-25125 Filed 9-27-99; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0460]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to verify loan applicant's income and employment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before November 29, 1999.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420. Please refer to "OMB Control No. 2900-0460" in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Request for Verification of Employment, VA Form 26-8497.

OMB Control Number: 2900-0460.

Type of Review: Extension of a currently approved collection.
Abstract: VA Form 26-8497 is used by lenders to verify a loan applicant's income and employment information when making guaranteed and insured loans. The VA, however, does not require the exclusive use of this form for verification purposes; any comprehensible form or independent verification would be acceptable, provided all information presently shown on VA Form 26-8497 is provided. The form is also used in processing direct loan cases, offers on acquired properties, and release of liability/substitution of entitlement cases when needed.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 50,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 300,000.

By direction of the Secretary.

Dated: August 20, 1999.

Sandra S. McIntyre,

*Management and Program Analyst,
Information Management Service.*

[FR Doc. 99-25126 Filed 9-27-99; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0029]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0029."

SUPPLEMENTARY INFORMATION:

Titles and Form Numbers:

a. Offer to Purchase and Contract of Sale, VA Form 26-6705.

b. Credit Statement of Prospective Purchaser, VA Form 26-6705b.

c. Addendum to VA Form 26-6705 (Virginia), VA Form 26-6705d

OMB Control Number: 2900-0029.

Type of Review: Revision of a currently approved collection.

Abstract:

a. VA Form 26-6705 is used by the private sector sales broker to submit an offer to the VA on behalf of a prospective purchaser of a VA-acquired property. The form will be prepared for each proposed contract submitted to the

VA. If the VA accepts the offer to purchase, it then becomes a contract of sale. The form defines the terms of sale, provides the prospective purchaser with a receipt for his/her earnest money deposit, eliminates the need for separate transmittal of a purchase offer and develops the contract without such intermediate processing steps and furnishes evidence of the station decision with respect to the acceptance of the contract as tendered. Without this information, a determination of the best offer for a property cannot be made.

b. VA Form 26-6705b is used as a credit application to determine the creditworthiness of a prospective purchaser in those instances when the prospective purchaser seeks VA vendee financing, along with VA Form 26-6705. In such sales, the offer to purchase will not be accepted until the purchaser's income and credit history have been verified and a loan analysis has been completed, indicating loan approval. Without this information, the creditworthiness of a prospective purchaser cannot be determined and the offer to purchase cannot be accepted.

c. VA Form 26-6705d is an addendum to VA Form 26-6705 for use in Virginia. It includes requirements of State law, which must be acknowledged by the purchaser at or prior to closing.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33342.

Affected Public: Individuals or households.

Estimated Annual Burden: 57,917 hours.

a. VA Form 26-7605—35,000 hours.

b. VA Form 26-6705b—22,500 hours.

c. VA Form 26-6705d—417 hours.

Estimated Average Burden Per Respondent: 20 minutes (average).

a. VA Form 26-7605—21 minutes.

b. VA Form 26-6705b—20 minutes.

c. VA Form 26-6705d—5 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Total Respondents: 172,500.

a. VA Form 26-7605—100,000.

b. VA Form 26-6705b—67,500.

c. VA Form 26-6705d—5,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503

(202) 395-4650. Please refer to "OMB Control No. 2900-0029" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99-25127 Filed 9-27-99; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0086]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0086."

SUPPLEMENTARY INFORMATION:

Title: Request for a Certificate of Eligibility for VA Home Loan Benefits, VA Form 26-1880.

OMB Control Number: 2900-0086.

Type of Review: Extension of a currently approved collection.

Abstract: The form is completed by an applicant to establish eligibility for Loan Guaranty benefits, request restoration of entitlement previously used, or request a duplicate Certificate of Eligibility due to the original being lost or stolen. The information furnished on VA Form 26-1880 is necessary for VA to make a determination on whether or not the applicant is eligible for Loan Guaranty benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB

control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33343.

Affected Public: Individuals or households.

Estimated Annual Burden: 130,910 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 523,639.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395-4650. Please refer to "OMB Control No. 2900-0086" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 99-25128 Filed 9-27-99; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0191]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0191."

SUPPLEMENTARY INFORMATION:

Title: Application for Designation as Management Broker, VA Form 26-6685.
OMB Control Number: 2900-0191.

Type of Review: Extension of a currently approved collection.

Abstract: It is the general policy of the VA to utilize the services of local brokers in the sale and management of VA-owned properties. Generally management activities are conducted by staff personnel only when the property is in close proximity to a VA field station and no reputable local brokers are willing to represent the VA. Each management broker wishing to represent the VA must submit a signed VA Form 26-6685. The information collected on the form, as well as other relevant material, such as a credit report, is used to determine the qualifications and acceptability of those management brokers who apply to participate in this program.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 22, 1999, at page 33344.

Affected Public: Business or other for profit.

Estimated Annual Burden: 63 hours.
Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: Generally one-time.

Estimated Number of Respondents: 250.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 12035, Washington, DC 20503 (202) 395-4650. Please refer to "OMB Control No. 2900-0191" in any correspondence.

Dated: September 1, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 99-25129 Filed 9-27-99; 8:45 am]
BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0458]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 28, 1999.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981. Please refer to "OMB Control No. 2900-0458."

SUPPLEMENTARY INFORMATION:

Title: Certification of School Attendance or Termination, VA Form 21-8960.

OMB Control Number: 2900-0458.

Type of Review: Extension of a currently approved collection.

Abstract: The VA Form 21-8960 is used to confirm the continued entitlement of a child ages 18 to 23 who is attending school.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on June 15, 1999 at pages 32101-32102.

Affected Public: Individuals or Households.

Estimated Annual Burden: 11,667 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: Generally one time.

Estimated Number of Respondents: 70,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395-4650. Please refer to "OMB Control No. 2900-0458" in any correspondence.

Dated: September 2, 1999.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.
[FR Doc. 99-25130 Filed 9-27-99; 8:45 am]
BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Summary of Precedent Opinions of the General Counsel

AGENCY: Department of Veterans Affairs.
ACTION: Notice.

SUMMARY: The Department of Veterans Affairs (VA) is publishing a summary of legal interpretations issued by the Department's General Counsel involving veterans' benefits under laws administered by VA. These interpretations are considered precedential by VA and will be followed by VA officials and employees in future claim matters. The summary is published to provide the public, and, in particular, veterans' benefit claimants and their representatives, with notice of VA's interpretation regarding the legal matter at issue.

FOR FURTHER INFORMATION CONTACT: Jane L. Lehman, Chief, Law Library, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-6558.

SUPPLEMENTARY INFORMATION: VA regulations at 38 CFR 2.6(e)(9) and 14.507 authorize the Department's General Counsel to issue written legal opinions having precedential effect in adjudications and appeals involving veterans' benefits under laws administered by VA. The General Counsel's interpretations on legal matters, contained in such opinions, are conclusive as to all VA officials and employees not only in the matter at issue but also in future adjudications and appeals, in the absence of a change in controlling statute or regulation or a superseding written legal opinion of the General Counsel.

VA publishes summaries of such opinions in order to provide the public with notice of those interpretations of the General Counsel that must be followed in future benefit matters and to assist veterans' benefit claimants and their representatives in the prosecution of benefit claims. The full text of such opinions, with personal identifiers deleted, may be obtained by contacting the VA official named above.

VAOPGPCREC 04-99

Question Presented

What evidence is necessary to establish a well-grounded claim for

compensation under 38 U.S.C. 1117 and 38 CFR 3.317 for disability due to an undiagnosed illness suffered by a veteran of the Persian Gulf War?

Held

A well-grounded claim for compensation under 38 U.S.C. 1117(a) and 38 CFR 3.317 for disability due to undiagnosed illness generally requires the submission of some evidence of: (1) Active military, naval, or air service in the Southwest Asia theater of operations during the Persian Gulf War; (2) the manifestation of one or more signs or symptoms of undiagnosed illness; (3) objective indications of chronic disability during the relevant period of service or to a degree of disability of 10 percent or more within the specified presumptive period; and (4) a nexus between the chronic disability and the undiagnosed illness. With respect to the second and fourth elements, evidence that the illness is "undiagnosed" may consist of evidence that the illness cannot be attributed to any known diagnosis or, at minimum, evidence that the illness has not been attributed to a known diagnosis by physicians providing treatment or examination. The type of evidence necessary to establish a well-grounded claim as to each of those elements may depend upon the nature and circumstances of the particular claim. For purposes of the second and third elements, the manifestation of one or more signs or symptoms of undiagnosed illness or objective indications of chronic disability may be established by lay evidence if the claimed signs or symptoms, or the claimed indications, respectively, are of a type which would ordinarily be susceptible to identification by lay persons. If the claimed signs or symptoms of undiagnosed illness or the claimed indications of chronic disability are of a type which would ordinarily require the exercise of medical expertise for their identification, then medical evidence would be required to establish a well-grounded claim. With respect to the third element, a veteran's own testimony may be considered sufficient evidence of objective indications of chronic disability, for purposes of a well-grounded claim, if the testimony relates to non-medical indicators of disability within the veteran's competence and the indicators are capable of verification from objective sources. Medical evidence would ordinarily be required to satisfy the fourth element, although lay evidence may be sufficient in cases where the nexus between the chronic disability

and the undiagnosed illness is capable of lay observation.

Effective Date: May 3, 1999.

VAOPGCPREC 05-99

Question Presented

For purposes of benefits authorized by section 421 of Pub. L. 104-204, does the term "spina bifida" include neural tube defects, such as encephalocele and anencephaly, which do not involve the spinal column?

Held

Pursuant to 38 U.S.C. 1802, chapter 18 of title 38, United States Code, applies with respect to all forms of spina bifida other than spina bifida occulta. For purposes of that chapter, the term "spina bifida" refers to a defective closure of the bony encasement of the spinal cord, but does not include other neural tube defects such as encephalocele and anencephaly.

Effective Date: May 3, 1999.

VAOPGCPREC 06-99

Question Presented

a. May a claim for a total disability rating based on individual unemployability for a particular service-connected disability be considered when a schedular 100-percent rating is already in effect for another service-connected disability?

b. Would any additional benefit be available in the case of a veteran having one service-connected disability rated 100-percent disabling under the rating schedule and another, separate disability for which the veteran has been awarded a TDIU rating?

Held

a. A claim for a total disability rating based on individual unemployability for a particular service-connected disability may not be considered when a schedular 100-percent rating is already in effect for another service-connected disability.

b. No additional monetary benefit would be available in the hypothetical case of a veteran having one service-connected disability rated 100-percent disabling under the rating schedule and another, separate disability rated totally disabling due to individual unemployability under 38 CFR 4.16(a). Further, the availability of additional procedural protections applicable under 38 CFR 3.343(c) in the case of a total disability rating based on individual unemployability would not provide a basis for consideration of a rating under section 4.16(a) where a veteran already has a service-connected disability rated

100-percent disabling under the rating schedule.

Effective Date: June 7, 1999.

VAOPGCPREC 07-99

Question Presented

A. In view of the amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990 (OBRA 1990), can a disability due to substance abuse caused by a service-connected disability be service connected under 38 CFR 3.310(a)?

B. Can the aggravation by a service-connected disability of a nonservice-connected disability arising out of substance abuse be service connected under 38 CFR 3.310(a)?

C. In light of the decision of the United States Court of Appeals for Veterans Claims (Veterans Court) in *Barela v. West*, 11 Vet. App. 280 (1998), and VAOPGCPREC 2-98, may dependency and indemnity compensation (DIC) be considered "disability compensation"?

D. May the Department of Veterans Affairs (VA) award DIC based either on a veteran's death caused by a disability due to substance abuse that was itself secondary to a service-connected disability or on a veteran's death while receiving or entitled to receive compensation for such a substance-abuse disability that was continuously rated totally disabling for an extended period immediately preceding death?

Held

A. The amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990, Pub. L. 101-508, § 8052, 104 Stat. 1388, 1388-351, which are applicable to claims filed after October 31, 1990, prohibit the payment of compensation to a veteran under 38 U.S.C. 1110 or 1131 for service-connected disability ("disability compensation") for a disability that is a result of a veteran's own abuse of alcohol or drugs (a "substance-abuse disability"), and they preclude direct service connection of a substance-abuse disability for purposes of all VA benefits, including dependency and indemnity compensation. The amendments do not preclude service connection under 38 CFR 3.310(a) of a substance-abuse disability that is proximately due to or the result of a service-connected disease or injury. A substance-abuse disability caused by a service-connected disability can be service connected under section 3.310(a) for purposes of all VA benefits. However, disability compensation cannot be paid for such a disability.

B. The aggravation of a substance-abuse disability by a service-connected

disability can be service connected under section 3.310(a) for purposes of all VA benefits. However, disability compensation cannot be paid for such aggravation.

C. Dependency and indemnity compensation is a benefit distinct from disability compensation for purposes of the amendments made by section 8052 of the Omnibus Budget Reconciliation Act of 1990 and is not affected by that Act's prohibition on payment of disability compensation for substance-abuse disability.

D. VA may award dependency and indemnity compensation to a veteran's survivors based on either the veteran's death from a substance-abuse disability secondarily service connected under 38 CFR 3.310(a) (entitlement established under 38 U.S.C. 1310) or based on a veteran's death while in receipt of or entitled to receive compensation for a substance-abuse disability secondarily service connected under section 3.310(a) and continuously rated totally disabling for an extended period immediately preceding death (entitlement established under 38 U.S.C. 1318).

Effective Date: June 9, 1999.

VAOPGCPREC 08-99

Question Presented

Whether 38 U.S.C. 1910 prohibits the Department of Veterans Affairs (VA) from contesting a Government life insurance policy issued as a result of administrative error on the basis that the insured carries more than \$10,000 of Government life insurance in contravention of 38 U.S.C. 1903?

Held

a. Where, as a result of administrative error, Government life insurance policies issued to the same insured total in excess of \$10,000 in violation of 38 U.S.C. 1903, the policies are

incontestable pursuant to 38 U.S.C. 1910 except for fraud or nonpayment of premiums, or on the ground that the applicant was not a member of the military or naval forces of the United States.

b. A contract for National Service Life Insurance (NSLI) cannot be created by the doctrine of promissory estoppel. To give rise to an NSLI contract, there must be a meeting of the minds of the contracting parties. Where veterans paid premiums on additional NSLI policies which did not belong to them because of erroneous billing by the Department of Veterans Affairs (VA), additional NSLI policies in favor of these individuals were not created.

Effective Date: August 11, 1999.

VAOPGCPREC 09-99

Question Presented

a. Does the Board of Veterans' Appeals (BVA) have the authority to adjudicate or address in the first instance the question of timeliness of a substantive appeal? If not, what is the appropriate course of action for the BVA to take when it raises the issue of timeliness of the substantive appeal for the first time on appeal?

b. What is the appropriate course of action for the BVA to take when it discovers for the first time on appeal that no substantive appeal has been filed on an issue certified to the BVA for appellate review by the agency of original jurisdiction (AOJ)?

Held

a. The BVA has the authority to adjudicate or address in the first instance the question of timeliness of a substantive appeal and may dismiss an appeal in the absence of a timely-filed substantive appeal. It should, however, afford the claimant appropriate procedural protections to assure

adequate notice and opportunity to be heard on the question of timeliness.

b. When the BVA discovers in the first instance that no substantive appeal has been filed in a case certified to the BVA for appellate review by the agency of original jurisdiction, it may dismiss the appeal. Again, it should afford the claimant appropriate procedural protections.

Effective Date: August 18, 1999.

VAOPGCPREC 10-99

Question Presented

Should the accelerated course measurement provisions of 38 CFR 21.4272(g) be used in determining the total number of credit hours for which mitigating circumstances are presumed pursuant to 38 U.S.C. 3680(a)(3)(B) and 10 U.S.C. 16136(b)?

(**Note:** For convenience, this opinion discusses the regulation's application to 38 U.S.C. 3680(a)(3)(B) and does not further reference 10 U.S.C. 16136(b) since the latter statute merely requires that the former will apply to persons eligible under the chapter 1606, title 10, program.)

Held

VA regulation, 38 CFR 21.4272(g), which provides a basis (*i.e.*, "equivalent credit hours") for measuring training time when courses are pursued during nonstandard terms, is inapplicable to, and should not be used in determining whether nonpunitive course withdrawals exceed the equivalent of six semester hours for purposes of applying the mitigating circumstances exception under 38 U.S.C. 3680(a)(3)(B).

Effective Date: August 24, 1999.

By direction of the Secretary.

Leigh A. Bradley,

General Counsel.

[FR Doc. 99-25131 Filed 9-27-99; 8:45 am]

BILLING CODE 8320-01-P

Corrections

Federal Register

Vol. 64, No. 187

Tuesday, September 28, 1999

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA -1054-N]

RIN 0938-AJ62

Medicare Program; Hospice Wage Index

Correction

In notice document 99-20013 beginning on page 42393 in the issue of Wednesday, August 4, 1999, on pages 42396 and 42397, portions of Table A—Hospice Wage Index for Urban Areas are corrected to read as follows:

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS

MSA code No.	Urban area (constituent counties or county equivalents) ¹	Wage index ²
3290 ...	Hickory-Morganton-Lenoir, NC Alexander, NC. Burke, NC. Caldwell, NC. Catawba, NC.	0.9492
3320 ...	Honolulu, HI	1.2269
3350 ...	Houma, LA	0.8738
3360 ...	Houston, TX	1.0541
3400 ...	Huntington-Ashland, WV-KY-OH Boyd, KY. Carter, KY. Greenup, KY. Lawrence, OH. Cabell, WV. Wayne, WV.	1.0284
3440 ...	Huntsville, AL	0.8938

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS—Continued

MSA code No.	Urban area (constituent counties or county equivalents) ¹	Wage index ²
3480 ...	Limestone, AL. Madison, AL. Indianapolis, IN Boone, IN. Hamilton, IN. Hancock, IN. Hendricks, IN. Johnson, IN. Madison, IN. Marion, IN. Morgan, IN. Shelby, IN.	1.0480
3500 ...	Iowa City, IA	1.0107
3520 ...	Johnson, IA.	0.9833
3560 ...	Jackson, MI	0.8839
3580 ...	Jackson, MS	0.8839
3580 ...	Hinds, MS. Madison, MS. Rankin, MS. Jackson, TN	0.9125
3600 ...	Madison, TN. Chester, TN. Jacksonville, FL ... Clay, FL. Duval, FL. Nassau, FL. St. Johns, FL.	0.9487
3605 ...	Jacksonville, NC ..	0.8055
3610 ...	Onslow, NC.	0.8165
3620 ...	Jamestown, NY Chautauqua, NY.	0.9648
3640 ...	Janesville-Beloit, WI Rock, WI.	1.2363
3660 ...	Jersey City, NJ Hudson, NJ. Johnson City-Kingsport-Bristol, TN-VA Carter, TN. Hawkins, TN. Sullivan, TN. Unicoi, TN.	0.9352
3680 ...	Washington, TN. Bristol City, VA. Scott, VA. Washington, VA.	0.9188
3700 ...	Johnstown, PA Cambria, PA. Somerset, PA.	0.8000
3710 ...	Jonesboro, AR Craighead, AR.	0.8392
3720 ...	Joplin, MO	1.2079
	Jasper, MO. Newton, MO. Kalamazoo-Battlecreek, MI Calhoun, MI. Kalamazoo, MI. Van Buren, MI.	

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS—Continued

MSA code No.	Urban area (constituent counties or county equivalents) ¹	Wage index ²
3740 ...	Kankakee, IL	1.0039
3760 ...	Kankakee, IL. Kansas City, KS-MO Johnson, KS. Leavenworth, KS. Miami, KS. Wyandotte, KS. Cass, MO. Clay, MO. Clinton, MO. Jackson, MO. Lafayette, MO. Platte, MO. Ray, MO.	1.0281
3800 ...	Kenosha, WI	0.9731
3810 ...	Kenosha, WI. Killeen-Temple, TX Bell, TX. Coryell, TX.	1.0776
3840 ...	Knoxville, TN	0.9506
3850 ...	Anderson, TN. Blount, TN. Knox, TN. Loudon, TN. Sevier, TN. Union, TN.	0.9887
3870 ...	Kokomo, IN	0.9501
3880 ...	Howard, IN. Tipton, IN. La Crosse, WI-MN Houston, MN. La Crosse, WI.	0.8800
3920 ...	Lafayette, LA	0.9424
3960 ...	Acadia, LA. Lafayette, LA. St. Landry, LA. St. Martin, LA.	0.818
3980 ...	Lafayette, IN	0.9529
4000 ...	Clinton, IN. Tippecanoe, IN. Lake Charles, LA Calcasieu, LA.	1.0192
4040 ...	Lakeland-Winter Haven, FL Polk, FL. Lancaster, PA	1.0756
4080 ...	Lansing-East Lansing, MI Clinton, MI. Eaton, MI. Ingham, MI.	0.8000
4100 ...	Laredo, TX	0.9455
4120 ...	Webb, TX. Las Cruces, NM ... Dona Ana, NM. Las Vegas, NV-AZ Mohave, AZ Clarke, NV	1.2166

TABLE A—HOSPICE WAGE INDEX FOR URBAN AREAS—Continued

MSA code No.	Urban area (constituent counties or county equivalents) ¹	Wage index ²
4150 ...	Nye, NV Lawrence, KS	0.9226
4200 ...	Douglas, KS Lawton, OK	0.9271
	Comanche, OK	

[FR Doc. C9-20013 Filed 9-27-99; 8:45 am]
BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 60

[ND-001-0006a; FRL-6426-5]

Clean Air Act Approval and Promulgation of Air Quality Implementation Plan Revision for North Dakota; Revisions to the Air Pollution Control Rules; Delegation of Authority for New Source Performance Standards

Correction

In rule document 99-22177 beginning on page 47395 in the issue of Tuesday,

August 31, 1999, make the following correction:

On page 47401, in the second column, in §52.1820(c)(31)(i)(A) in the eighth line, “33-15-02-0.3” should read, “33-15-02-07.3”.

[FR Doc. C9-22177 Filed 9-27-99; 8:45 am]
BILLING CODE 1505-01-D

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

Correction

In notice document 99-24545 beginning on page 51121, in the issue of Tuesday, September 21, 1999, make the following correction:

On page 51122, in the first column, in the *DATES*: section, in the second line, “[insert date 60 days from publication in the Federal Register]” should read “November 22, 1999”.

[FR Doc. C9-24545 Filed 9-27-99; 8:45 am]
BILLING CODE 1505-01-D

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

[Notice No. 880]

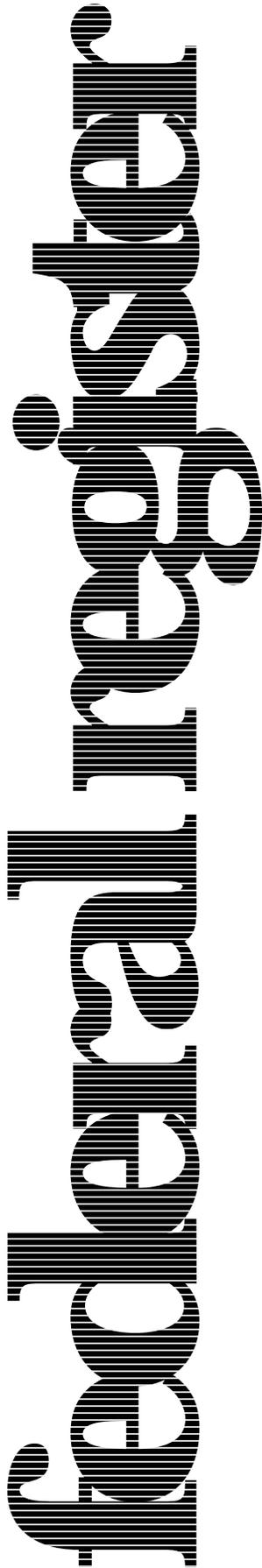
Commerce in Explosives; List of Explosive Materials

Correction

In notice document 99-23929 beginning on page 49840, in the issue of Tuesday, September 14, 1999, make the following correction:

On page 49840, in the third column, under the heading **List of Explosive Materials**, in the second line from the bottom of the page, remove the asterisk before “Ammonium”.

[FR Doc. C9-23929 Filed 9-27-99; 8:45 am]
BILLING CODE 1505-01-D



Tuesday
September 28, 1999

Part II

**Environmental
Protection Agency**

40 CFR Part 262

**Project XL Site-specific Rulemaking for
University Laboratories at the University
of Massachusetts Boston, Boston, MA,
the Boston College, Chestnut Hill, MA,
and the University of Vermont,
Burlington, VT; Hazardous Waste
Management System; Final Rule**

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 262**

[FRL-6444-8]

Project XL Site-specific Rulemaking for University Laboratories at the University of Massachusetts Boston, Boston MA, the Boston College, Chestnut Hill, MA, and the University of Vermont, Burlington, VT; Hazardous Waste Management System

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Today's rule provides regulatory flexibility under the Resource Conservation and Recovery Act (RCRA), as amended. It allows the participating laboratories at the University of Massachusetts-Boston, Boston, MA, Boston College, Chestnut Hill, MA and the University of Vermont, Burlington, VT (the Universities) to replace certain existing requirements for hazardous waste generators with a comprehensive Laboratory Environmental Management Plan (EMP) designed for each University. EPA is promulgating this rule to implement an XL project for the laboratories at the Universities. The terms of the XL project are defined in the Final Project Agreement (FPA) which is scheduled to be signed by the parties on September 28, 1999. The FPA explains the project in detail, while the promulgation of this federal rule will enable Massachusetts Department of Environmental Protection (MADEP) and Vermont Department of Environmental Conservation (VTDEC) to implement portions of the project requiring regulatory changes. The requirements of this rule will not take effect in Massachusetts and Vermont until they adopt the requirements as state law. For the sake of simplicity, the remainder of this preamble refers to the effects of this rule, although it will be the corresponding state law change that will actually govern this XL project.

In order to qualify for the flexibility that the rule provides, the Universities must implement environmental management plans for the participating laboratories and comply with minimum performance criteria for managing laboratory waste. EPA expects this XL project to result in superior environmental performance in Massachusetts and Vermont, while providing waste minimization opportunities to the participating Universities.

DATES: This final rule is effective September 28, 1999.

ADDRESSES: A docket containing public comments and supporting materials is available for public inspection and copying at the RCRA Information Center (RIC), located at Crystal Gateway, 1235 Jefferson Davis Highway, First Floor, Arlington, Virginia. The RIC is open from 9:00 am to 4:00 pm Monday through Friday, excluding federal holidays. The public is encouraged to phone in advance to review docket materials. Appointments can be scheduled by phoning the Docket Office at (703) 603-9230. Refer to RCRA docket number F-1999-NEUP-FFFFF. The public may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost 15 cents per page.

A duplicate copy of the docket is available for inspection and copying at U.S. EPA, Region 1, 1 Congress Street, Suite 1100 (LIB), Boston, MA 02114-2023 during normal business hours. Persons wishing to view the duplicate docket at the Boston location are encouraged to contact Ms. Gina Snyder or Mr. George Frantz in advance, by telephoning (617) 918-1837 or (617) 918-1883. Information is also available on the world wide web at <http://www.epa.gov/ProjectXL>.

FOR FURTHER INFORMATION CONTACT: Ms. Gina Snyder or Mr. George Frantz, U.S. Environmental Protection Agency, Region I (SPE), Assistance and Pollution Prevention Division, 1 Congress Street, Suite 1100, Boston, MA 02114-2023. Ms. Snyder can be reached at (617) 918-1837 and Mr. Frantz can be reached at (617) 918-1883.

SUPPLEMENTARY INFORMATION:**Outline of Today's Document**

The information presented in this preamble is organized as follows:

- I. Authority
- II. Background
 - A. Overview of Project XL
 - B. Overview of the New England University Laboratories XL Project
 1. Introduction
 2. Description of the New England University Laboratories XL Project
 3. What Are the Environmental Benefits of the Project?
 4. What Are the Economic Benefits and Paperwork Reduction Deriving from the Project?
 5. Stakeholder Involvement
 6. What is the Project Duration and Completion Date?
 - C. Rule Description
 1. Summary of Rule
 2. Changes to the Proposed Rule
- III. Response to Significant Public Comments
- IV. What is the Effective Date of This Rule?
- V. Additional Information
 - A. How Does This Rule Comply with Executive Order 12866?

- B. Is a Regulatory Flexibility Analysis Required?
- C. Is EPA required to Submit a Rule Report Under the Congressional Review Act?
- D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?
- E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?
- F. RCRA/HSWA
 1. Applicability of Rules in Authorized States
 2. Effect on Massachusetts and Vermont Authorization
- G. How Does This Rule Comply With Executive Order 13045: Protection of Children from Environmental Health Risks and Safety Risks?
- H. How Does This Rule Comply with Executive Orders on Federalism?
- I. How Does This Rule Comply with Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?
- J. Does This Rule Comply with National Technology Transfer and Advancement Act?

I. Authority

EPA is publishing this regulation under the authority of sections 2002, 3001, 3002, 3003, 3006, 3010, and 7004 of the Solid Waste Disposal Act of 1970, as amended by the Resource Conservation and Recovery Act, as amended (42 U.S.C. 6912, 6921, 6922, 6923, 6926, 6930, and 6974).

II. Background**A. Overview of Project XL**

Each Project XL project is implemented with a Final Project Agreement (FPA). For this Project XL, the FPA sets forth the intentions of EPA and the Universities with regard to a project developed under Project XL, an EPA initiative to allow regulated entities to achieve better environmental results at less cost. The regulation will facilitate implementation of the project. Project XL—"eXcellence and Leadership" was announced on March 16, 1995, as a central part of the National Performance Review and the EPA's effort to reinvent environmental protection. See 60 FR 27282 (May 23, 1995). Project XL provides a limited number of private and public regulated entities an opportunity to develop their own pilot projects to provide regulatory flexibility that will result in environmental protection that is superior to what would be achieved through compliance with current and reasonably anticipated future regulations. These efforts are crucial to EPA's ability to test new strategies that reduce the regulatory burden and promote economic growth while achieving better environmental and public health protection. EPA

intends to evaluate the results of this and other XL projects to determine which specific elements of the project(s), if any, should be more broadly applied to other regulated entities for the benefit of both the economy and the environment.

Under Project XL, participants in four categories—facilities, industry sectors, governmental agencies and communities—are offered the flexibility to develop common sense, cost-effective strategies that will replace or modify specific regulatory requirements, on the condition that they produce and demonstrate superior environmental performance. To participate in Project XL, applicants must develop alternative pollution reduction strategies pursuant to eight criteria: superior environmental performance; cost savings and paperwork reduction; local stakeholder involvement and support; test of an innovative strategy; transferability; feasibility; identification of monitoring, reporting and evaluation methods; and avoidance of shifting the risk burden. They must have full support of affected federal, state and tribal agencies to be selected.

For more information about the XL criteria, readers should refer to the two descriptive documents published in the **Federal Register** (60 FR 27282, May 23, 1995 and 62 FR 19872, April 23, 1997), and the December 1, 1995 "Principles for Development of Project XL Final Project Agreements" document. For further discussion as to how the New England University Laboratories XL project addresses the XL criteria, readers should refer to the Final Project Agreement and fact sheet that are available from the docket for this action (see **ADDRESSES** section of today's preamble) and the **Federal Register** notice publishing the proposed rule (64 FR 40696, July 27, 1999).

Project XL is intended to allow the EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow the EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. EPA may modify rules, on a site- or state-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute. Adoption of such alternative approaches or interpretations in the context of a given XL project does not, however, signal EPA's willingness to adopt that interpretation as a general

matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful for the particular projects that embody them. Furthermore, as EPA indicated in announcing the XL program, it expects to adopt only a limited number of carefully selected projects. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative approach or interpretation again, either generally or for other specific facilities.

EPA believes that adopting alternative policy approaches and/or interpretations, on a limited, site- or state-specific basis and in connection with a carefully selected pilot project, is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as EPA acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing reevaluation of environmental programs, is reflected in a variety of statutory provisions, e.g., section 8001 of RCRA.

B. Overview of the New England University Laboratories XL Project

1. Introduction

On July 27, 1999, the Environmental Protection Agency proposed a rule to implement a Project XL that would provide regulatory flexibility under the Resource Conservation and Recovery Act (RCRA) for the participating laboratories at the University of Massachusetts-Boston, Boston, MA, Boston College, Chestnut Hill, MA and the University of Vermont, Burlington, VT (the Universities). Specifically, the Agency proposed to allow participating laboratories at the Universities to replace existing requirements for hazardous waste generators with a comprehensive Environmental Management Standard that would identify a plan for the effective management of laboratory wastes and the minimum performance requirements for handling such waste in a laboratory (64 FR 40696). Today's final rule promulgates regulations that are very similar to the July 27, 1999 proposal. Readers of this notice are encouraged to refer to the July 27, 1999 (64 FR 40696) notice for a more detailed description of

the problems today's rule is intended to address and a more detailed explanation of how the Agency expects the Environmental Management Standard to work.

Today's rule will facilitate implementation of the FPA (the document that embodies EPA's intent to implement this project) that has been developed by EPA, Massachusetts Department of Environmental Protection (MADEP), Vermont Department of Environmental Conservation (VTDEC), the Universities, and other stakeholders. EPA, MADEP, VTDEC and the Universities are scheduled to sign the final FPA on September 28, 1999. The FPA is available for review in the docket for today's action and on the world wide web at <http://www.epa.gov/ProjectXL>. The FPA addresses the eight Project XL criteria, and the expectation of EPA that this XL project will meet those criteria. Those criteria are: (1) Environmental performance superior to what would be achieved through compliance with current and reasonably anticipated future regulations; (2) cost savings or economic opportunity, and/or decreased paperwork burden; (3) stakeholder support; (4) test of innovative strategies for achieving environmental results; (5) approaches that could be evaluated for future broader application; (6) technical and administrative feasibility; (7) mechanisms for monitoring, reporting, and evaluation; and (8) consistency with Executive Order 12898 on Environmental Justice (avoidance of shifting of risk burden). The FPA specifically addresses the manner in which the project is expected to produce superior environmental benefits.

EPA is promulgating today's rule to implement the provisions of this Project XL initiative that require regulatory changes. However, as discussed in Section IV.F. below, both Massachusetts and Vermont have received authority to administer hazardous waste standards for generators that are equivalent to, or more stringent than, the federal program. Therefore, the requirements outlined in today's rule will not take effect in these States until each State adopts equivalent requirements as State law, and EPA will not be the primary regulatory agency responsible for implementing the requirements of this rule. Although today's rule references "EPA," for Massachusetts, "MADEP", and for Vermont, "VTDEC" will be substituted for "EPA" when the States adopt these requirements as State law. For this reason, this preamble discussion will use the term "regulatory agency" when referring to the "EPA" responsibilities identified in today's

rule. In addition, for the sake of simplicity, the remainder of this preamble refers to the effects of this rule, although it will be the corresponding State law change that will actually govern this XL project.

2. Description of the New England University Laboratories XL Project

Integrated Performance-Based System.

The University Laboratory XL project tests the effectiveness of an integrated, flexible, performance-based system for managing hazardous wastes in laboratories which (1) results in pollution prevention and streamlined procedures for managing hazardous wastes and hazardous chemicals at universities, (2) meets the objectives of both the RCRA and OSHA regulatory programs combined and (3) is at least as protective of human health and the environment as the current system.

This project pilots an alternative approach to hazardous waste management in university laboratories which is more systematic and more centralized than the approach implemented by universities under the current system. At the same time, the pilot integrates some of the current RCRA hazardous waste regulations with current Occupational Safety and Health Act (OSHA) regulations by requiring that the Universities develop a plan similar to the OSHA required Chemical Hygiene Plan (CHP). The plan required by the alternative system outlined in this site-specific final rule is to be designed for the management of environmental aspects of their activities to facilitate the creation of an integrated and consistent system for managing laboratory waste in laboratories. As a result of the efficiencies gained from the harmonization of the OSHA CHP and the RCRA-oriented Laboratory Environmental Management Plan, the new system is expected to provide a better management approach for laboratories and to result in increased pollution prevention while still ensuring protection of human health and the environment.

To achieve this objective, the Universities will follow the regulatory model of a Laboratory Environmental Management Standard (EMS) that identifies both the elements for the effective management of laboratory wastes, and the minimum performance requirements for handling wastes in each individual laboratory. The Laboratory EMS sets out all the requirements for the alternative system of managing laboratory waste. First and foremost, the Laboratory EMS includes Minimum Performance Criteria for the

management of laboratory wastes within the laboratory and en route to the on-site hazardous waste accumulation area. These criteria are similar to the requirements of 40 CFR 262.34(c). The Minimum Performance Criteria are a set of measurable requirements that are similar to the current RCRA requirements. Each of the elements of the Minimum Performance Criteria is briefly explained below. In addition, the Laboratory EMS also requires the development of a Laboratory Environmental Management Plan (EMP). The EMP is written by each University to document its specific procedures for how it will conform with the Laboratory EMS. The EMP describes the procedures each laboratory must follow in order to meet the Minimum Performance Criteria.

Laboratory Environmental Management Standard (EMS). Today's final rule creates a new subpart to 40 CFR part 262, Subpart J, called the "Laboratory Environmental Management Standard." It includes a definition section (40 CFR 262.102) that sets out the definitions applicable to the requirements in the new Subpart J, the requirements for waste management in the laboratory, or the Minimum Performance Criteria, (40 CFR 262.104) and the specific requirement that each University develop a Laboratory Environmental Management Plan (40 CFR 262.105). Subpart J also contains requirements detailing the organizational responsibilities and the training requirements of each participating University laboratory (40 CFR 262.105). The Laboratory EMS provides the umbrella framework for an effective system for the management of university laboratory waste. It contains all the elements, from definitions through waste determination requirements (40 CFR 262.106), that make up the new systematic approach for the University laboratories. The Laboratory EMS was originally modeled after the general structure and format of the OSHA "Occupational Exposure to Hazardous Chemicals in Laboratories" standard which requires a Chemical Hygiene Plan.

Laboratory Environmental Management Plan (EMP). The Laboratory EMS requires the development of a Laboratory EMP which is the mechanism through which each University's EMS is put into practice at each University. The Laboratory EMP, modeled on OSHA's Chemical Hygiene Plan, is a comprehensive plan to be developed by each University. The EMP documents the procedures, practices and programs to (a) manage laboratory waste in a

manner that is protective of human health and the environment and (b) ensure implementation to achieve compliance with the requirements of the Laboratory EMS and the Minimum Performance Criteria. It is through the Laboratory EMP that the Universities have the opportunity and the obligation to design a performance-based system to complement the OSHA requirements, to encourage waste minimization, and the redistribution and reuse of laboratory waste. The Laboratory EMP identifies specific elements to be implemented by each University, including requirements for pollution prevention policies and procedures.

One of the objectives of the EMP and the overall XL project is to erase the distinction between unused chemicals and waste chemicals in the laboratory setting, so that the value in reusing chemicals can be realized. This is to be accomplished by defining laboratory waste to include hazardous chemicals that result from laboratory scale activities and which may or may not constitute RCRA hazardous wastes. In the rule, laboratory waste is defined as "a hazardous chemical that results from laboratory scale activities and includes the following: excess or unused hazardous chemicals that may or may not be reused outside their laboratory of origin; hazardous chemicals determined to be RCRA hazardous waste as defined in 40 CFR Part 261; and hazardous chemicals that will be determined not to be RCRA hazardous waste pursuant to 40 CFR 262.106." Thus, all "laboratory waste" is managed under a single standard while in the laboratory. The determination that a laboratory waste could not be reused and would be a RCRA solid waste, and as to whether such solid waste would be a RCRA hazardous waste, will be made at a centralized area, by Environmental Health and Safety professionals.

Minimum Performance Criteria. The requirements for the laboratory EMP include a requirement that the EMP include procedures to assure compliance with Minimum Performance Criteria (MPC) specified in the regulation. The Minimum Performance Criteria set forth minimum requirements for the management of laboratory waste and have been designed to ensure that laboratory waste will be managed in a manner protective of human health and the environment. The requirements in the Minimum Performance Criteria include provisions which are consistent with current RCRA requirements, including labeling and container management. The criteria have a wider application than current RCRA requirements because the definition of

laboratory waste includes some materials that are not RCRA hazardous waste.

The New System. Currently, there are two potential impediments to the centralization and coordination facilitated by this rule. The first is the hazardous waste determination requirement under 40 CFR 262.11. If this determination is made in the individual laboratory, decisions with regard to reuse are inevitably decentralized since the hazardous waste determination necessitates a prior solid waste determination. To the extent that these decisions are made by laboratory workers who do not have a complete sense of the chemical needs of the entire university, such decisions are often premature and do not maximize the potential for re-use. The second potential impediment under the current system is the requirement under 40 CFR 262.34(c) that hazardous waste in excess of 55-gallons be removed within three days of reaching the 55-gallon limit. Such a time constraint results in constant, unplanned, episodic pick-ups which are in themselves, time-consuming. In contrast, the extended time period of 30 days allows for a more coordinated and efficient pick-up and delivery system which frees up staff time, and allows for the development of infrastructure and training designed to increase waste minimization and an organized and coordinated campus-wide chemical reuse system.

3. What Are the Environmental Benefits of the Project?

This Laboratory XL project is expected to achieve superior environmental performance beyond that which is achieved by the current RCRA regulatory system, in the three key areas of:

- **Setting of Environmental Objectives and Targets and Pollution Prevention:** The systematic approach to environmental management will set the stage for better tracking, control, goal setting and pollution prevention.
- **Streamlining the Regulatory Process:** By coordinating RCRA and OSHA regulatory compliance, the project will streamline the overall regulatory process for University laboratories.
- **Environmental Awareness.** The implementation and continuous improvement of the Laboratory EMS will enhance environmental awareness among laboratory workers.

These three areas are described more fully below:

In the setting of environmental objectives and targets and pollution prevention, this XL project in the

requirements for the Laboratory Environmental Management Plan, is a significant improvement in that it makes explicit to the research community that there is an institutional commitment in the form of a policy to prevent pollution, a procedure for conducting an annual survey of hazardous chemicals of concern and a better system to reduce the potential for hazardous chemicals to accumulate on laboratory shelves and become wastes. Each XL Participant's Laboratory Environmental Management Plan must include or reference:

- A pollution prevention plan.
- Defined procedures for conducting an annual survey of laboratories that potentially store hazardous chemicals of concern ("HCOC").
- Defined procedures for conducting laboratory decommissionings (e.g., cleanouts).
- Defined procedures for the timely removal of laboratory wastes from the laboratory.

To increase reuse of laboratory waste and laboratory waste reduction: The current regulatory framework does little to encourage researchers to identify hazardous chemicals on the shelf as hazardous waste or to identify institutional opportunities for reuse of such chemicals. One targeted area for the demonstration of superior environmental performance will be enhanced management and reuse of laboratory hazardous chemicals. For example, chemicals that are no longer of sufficient purity for research use may be reused or recycled into teaching laboratories. Additionally, waste reduction will occur as a result of better systems to exchange and reuse hazardous chemicals throughout each university. According to a 1996 survey of approximately 100 academic institutions by the Campus, Safety, Health and Environmental Management Association, nearly 95% of respondents reported that they redistributed or recycled less than 1% of the hazardous chemical waste otherwise destined for disposal. This Laboratory XL Project commits the Universities to achieve better results, with the goals of 10% reduction in waste (from the baseline) and 20% increase in reuse or redistribution of chemicals from measured baseline.

In addition, the EMP includes a requirement that each University define a list of "hazardous chemicals of concern" ("HCOC") and annually conduct a risk evaluation survey of these chemicals in the laboratory. This list will be generated by EHS professionals at each University based on regulatory concerns, risk concerns

and potential chemical reactions. The criteria at each University includes:

- Chemicals given an expiration date by the manufacturer due to safety considerations (e.g., peroxide forming chemicals, etc.).
- Chemicals which meet the RCRA definitions of reactive or corrosive (flammables are covered by fire department restrictions; in general, toxics are hazardous during their use, not during storage) and have been determined by professional judgment to present a risk to non-lab workers or the environment.
- Poison Inhalation Hazard designation by DOT (covers serious toxics).
- Other chemicals as determined by professional judgment to present a risk to non-lab workers or the environment.
- Chemicals may be removed from the HCOC list if there are insufficient quantities to pose a risk.

The HCOC list will be developed on a university-by-university basis, because the types of hazardous chemicals at a particular university will vary with the type of research work performed there. This list will be reviewed on an annual basis and updated.

The annual survey directly addresses the problems associated with the accumulation of old hazardous chemicals on the shelf. Federal EPA and state inspectors have indicated that this problem is a priority concern. This University Laboratory XL Project goes beyond the "waste" management regulations prescribed in RCRA by addressing this particular "upstream" issue at its source. By providing regular and consistent data on chemicals and chemical storage, such surveys will support university-wide chemical redistribution and/or the timely disposal of hazardous chemicals that are approaching or have exceeded their shelf life. The survey will also document that HCOC's that remain on the shelf have been assessed for product integrity.

In addition, evaluations and audits will be performed to help assure conformance with the University's EMP. Together with the enhanced environmental awareness training, internal audits/corrective actions will provide a way to continually improve the Laboratory EMS and help achieve improved environmental protection.

Another focus of this project is to streamline regulatory requirements: As demonstrated by the effort to develop the Integrated Contingency Plan, Federal agencies have placed high value on coordination between regulatory programs. Laboratories in most states are already regulated by the

requirements of OSHA's 29 CFR 1910.1450 (Occupational Exposure to Hazardous Chemicals in Laboratories) which requires the development of a Chemical Hygiene Plan (CHP) to ensure the health and safety of laboratory workers handling hazardous chemicals. In this project, the requirement to define and implement laboratory waste management policies and procedures will effectively manage laboratory wastes at every stage of their handling and disposition, including full compliance with current RCRA requirements once laboratory waste is received at the on-site hazardous waste accumulation area. The Minimum Performance Criteria and the procedures for complying with the minimum performance criteria which will be included in each University's Laboratory EMP ensure that enforceable safeguards will be in place. Moreover, the effect of a hazardous chemical survey and other procedures defined in the Laboratory EMP will be to minimize hazardous waste by shifting the focus to upstream sources of waste. The result will be performance that will exceed that prompted by the current RCRA program requirements as the focus of the university environmental departments can broaden from the current narrow focus on the issues associated with waste pick-up and handling to include pollution prevention and the attendant issues of chemical substitution and reuse.

Environmental benefits will also result from increased environmental awareness: Training, defined policies and procedures, enhanced audit programs and pollution prevention strategies are key management elements leading to superior environmental performance. Under the current system, these elements often receive less attention than they should because EH&S staff are focused on less proactive issues such as managing laboratories as satellite accumulation areas. By allowing the institutional EH&S staff to schedule routine pick-ups of laboratory wastes at more suitable intervals (e.g., 3-4 weeks rather than 3-days under the satellite accumulation rule, but limiting the satellite accumulation to a maximum quantity of 55 gallons per laboratory, plus an "excess" of 55 gallons), the XL Participants will be able to more proactively focus limited resources on training and audit/corrective action programs and the establishment and administration of waste-exchange and hazardous chemical redistribution programs.

Under this project, laboratory workers will receive enhanced hazardous

chemical training with respect to laboratory waste, pollution prevention and the environmental management practices at the university. The training requirements are outlined in the Environmental Management Standard (40 CFR part 262, Subpart J). The training will also result in benefits for students who were laboratory workers as they graduate and pursue their careers equipped with an increased environmental awareness and respect for the environmental aspects of their jobs.

4. What Are the Economic Benefits and Paperwork Reduction Deriving From the Project?

Laboratory waste management currently accounts for the most substantial expense for environmental, health and safety programs at the XL Participants. This University Laboratory XL Project will allow academic institutions to more effectively promote and implement waste minimization programs in laboratories. This will result in reduced waste disposal costs and reduced chemical purchasing costs without diminishing the level of environmental protection associated with the proper handling and/or disposal of hazardous laboratory wastes. The opportunity to develop a systematic, planned procedure for the pickup, consolidation and disposal of laboratory wastes will also enable participating institutions to more effectively utilize their EH&S staff for proactive activities. However, since existing RCRA record keeping and reporting requirements will remain in full effect at the institutional level, the XL Participants do not expect to significantly reduce the paperwork associated with compliance.

5. Stakeholder Involvement

MADEP, VTDEC and EPA have been involved in the development of this project, and support it. From the beginning of the Laboratory XL process, there has been a high priority on having diverse stakeholders review and support this project so that both national and local stakeholders have been involved in the development of the Laboratory Environmental Management Standard. This activity is described below and additional information, such as a listing of national stakeholders and letters of support are included in the docket supporting this rulemaking.

The initial stakeholder group was a national assembly of experts in laboratory chemical and environmental safety. The purpose of this group was twofold: (a) to assure that the University Laboratory XL Proposal reflected state of

the art thinking with regard to controlling the potential impacts of laboratory chemicals; and (b) to ensure that the Laboratory Environmental Management Standard developed by the XL Participants could reasonably apply to a broad spectrum of small, medium and large institutions.

In addition to the stakeholder group, XL Participants made presentations and gave workshops at the Campus Safety, Health and Environmental Management Association meeting in New Orleans in July, 1998, sponsored a panel of presentations at the American Chemical Society meeting in Boston in August, 1998, gave a presentation at the EPA-New England sponsored workshop on compliance at universities March 24, 1999, and continue to speak to national forums and workshops in order to reach national stakeholders on a continuing basis.

6. What Is the Project Duration and Completion Date?

As with all XL projects testing alternative environmental protection strategies, the term of the New England University Laboratories XL project is one of limited duration. The duration of the regulatory relief provided by this rule is anticipated to be four (4) years from the effective date of this rule. However, a participating University may be terminated or suspended at any time for failure to comply with any of the requirements of the rule.

C. Rule Description

1. Summary of Rule

The rule amends 40 CFR 262.10 to add a paragraph (j) that states that the participating University laboratories are not subject to the requirements of 40 CFR 262.11 and 40 CFR 262.34(c) as long as the Universities comply with all the requirements of 40 CFR part 262, Subpart J. This rule also adds a new section to the Standards Applicable to Generators of Hazardous Waste, 40 CFR part 262, Subpart J. Section 262.100 of the rule specifies which organizations are covered by this site-specific rule (University of Massachusetts Boston, Boston MA, the Boston College, Chestnut Hill MA and the University of Vermont, Burlington VT). Section 262.101 outlines what is in Subpart J. Subpart J provides a framework for a new management system for wastes that are generated in university laboratories. This framework is called the Laboratory Environmental Management Standard. The standard includes some specific definitions that apply to the University laboratories, specific requirements for how to handle laboratory waste, and

requirements for developing and implementing an environmental management plan. Subpart J outlines the responsibilities of the management staff of each participating university and identifies requirements for training people who will work in the laboratories or manage laboratory waste. Section 262.102 of the rule defines terms used in the new rule. The definition of laboratory waste is of particular interest because of its importance in the implementation of the regulation. Section 262.103 defines the scope of the rule and makes it clear that the Laboratory Environmental Management Standard does not affect or supercede any legal requirements other than those described in § 262.10(j). Section 262.104 includes the requirements that a University and participating laboratory will comply with in order to continue to participate in this project, called the Minimum Performance Criteria. Section 262.105 specifies the requirements for the laboratory environmental management plan (EMP). Section 262.106 specifies when a hazardous waste determination must be made for laboratory waste.

Section 262.107 includes a termination provision, in addition to EPA's usual enforcement options¹, which authorizes EPA to remove from this XL project any University that does not comply with the Laboratory Environmental Management Standard as described in the rule. In the event of such removal, the temporary conditional deferral would be revoked and the Universities would be required to submit to EPA an implementation schedule setting forth how the Universities would plan to come into full compliance regulations within 90 days from such notice. The schedule would reflect the Universities' intent to use their best efforts to come into compliance as quickly as practicable within the 90 day transition period. During this 90 day transition period, the provisions of this proposed rule and the University's Environmental Management Plan would apply in full. At the conclusion of the 90 day period, the applicable RCRA regulations would again apply to the Universities in full. For further discussion, see the preamble

¹ As noted in the proposed rule (64 FR 40696) EPA retains its full range of enforcement options under today's rule. The enforcement response on the part of EPA will vary depending upon the actual performance of each University and the severity of any violation. So that EPA can continue to evaluate this XL project, each University will be evaluated by EPA Region I through regular state and/or federal inspections based on four criteria outlined in both the preamble to the proposed rule and the Final Project Agreement.

to the proposed rule and the Final Project Agreement.

The final paragraph of the rule, section 262.108, sets forth the expiration date of the rule, September 30, 2003.

2. Changes to the Proposed Rule

EPA has made several changes to the proposed rule in response to comments. First, EPA has modified the rule in response to comments on the training requirements at 40 CFR 262.105(d). As proposed, § 262.105(d) required each participating university, in general, to "provide laboratory workers with information and training so that they can understand and can implement the elements of each University's Environmental Management Plan that are relevant to the laboratory worker's responsibilities." Similarly, § 262.104(j) required that each university must "provide laboratory workers with information and training so that they can implement and comply with [the] Minimum Performance Criteria." One commenter was concerned that these requirements did not recognize that a laboratory worker may receive training outside of the University and that the University should not have to provide (nor should the lab worker have to receive) training which is merely duplicative. EPA agrees with this commenter that, as proposed, these requirements may lead to duplicative training. As discussed at proposal, the goal of these training requirements is for the University to ensure that all laboratory workers have been trained to understand the hazards of laboratory waste and to take measures to protect human health and the environment. EPA did not intend to preclude appropriate reliance on any relevant training received from outside the University. Thus, EPA is modifying §§ 262.104(j) and 262.105(d) to require that the participating Universities must "ensure" that laboratory workers have received training regarding the minimum performance criteria and the EMP. This change clarifies that the participating Universities have the flexibility to consider whether a laboratory worker has received sufficient training outside the University. For example, if a newly assigned laboratory worker has already had other training that enables him/her to implement and comply with the MPC, the training that the University will have to provide may be minimized for that worker.

Also regarding training, another commenter pointed out that, with respect to § 262.105(d)(2), the requirement that laboratory workers must be trained when they are first

assigned to a work area is more stringent than under current RCRA requirements, and large universities may find it difficult to provide training upon first assignment to a work area especially at the beginning of an academic year. EPA agrees that this may be a difficult standard to meet for the Universities. As discussed above, the main purpose of the university training requirements was to ensure that all laboratory workers would be trained irrespective of their particular status (e.g., "student," "employee") within the laboratory. EPA's intent was not that particular training requirements would be more stringent than required under current RCRA requirements. EPA believes it is appropriate to allow the participating Universities the same flexibility regarding when a newly assigned lab worker will have to be trained as they would have under current RCRA requirements. Thus, EPA has modified § 262.105(d)(2) to read: "(i) Each University must provide the information to each laboratory worker when he/she is first assigned to a work area where laboratory wastes may be generated. (ii) Each University must ensure that each laboratory worker has been trained within six months of when he/she is first assigned to a work area where laboratory wastes may be generated and must retrain a laboratory worker when a laboratory waste poses a new or unique hazard for which the laboratory worker has not received prior training and as frequently as needed to maintain knowledge of the procedures of the Environmental Management Plan."

Second, EPA has slightly modified the container labeling requirements. As proposed, § 262.104(a) required that all laboratory waste be labeled with "the chemical name and general hazard class." One commenter was concerned that this requirement did not allow enough discretion for the Universities, while another commenter expressed concern that this requirement did nothing to clarify the confusion resulting from current RCRA labeling requirements. The container labeling requirements included in the proposed rule were part of the University participants' proposal to the Agency. In particular, the participants included both the "hazard class" and the chemical contents on the label as an attempt to integrate OSHA and RCRA by including information relevant under both programs. This is an aspect of the project that EPA will be evaluating to determine how it compares to current requirements. EPA did not intend, however, that laboratories should have less flexibility in how they identify

chemical contents. EPA's intent in modifying the existing RCRA container labeling requirements was simply to replace the term "hazardous waste" because not all laboratory waste will necessarily be "hazardous waste." Thus, EPA has modified § 262.104(a) to require that laboratory waste containers be labeled "with the general hazard class and either the words "laboratory waste" or with the chemical name of the contents." This requirement operates in conjunction with the Environmental Management Plan (EMP) that each University must develop. Section 262.105(b) requires each University to write, implement and comply with an Environmental Management Plan that includes the following specific requirement to address container labeling in subparagraph (9) of that section: "The criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes * * *". Therefore, each University must designate the system for identifying the hazard class (for example, if the system that would work best were RCRA, it would utilize the terms ignitable, corrosive, reactive or EP toxic; if an OSHA-type system worked better for a university, it would include flammable rather than ignitable, and would probably include radioactive and biohazard or infectious classes of waste). The chemical name must either include the actual name of the chemical in the container or identify it as "laboratory waste." EPA expects this requirement to be less confusing than current requirements and, when combined with requirements in the EMP (see 40 CFR 262.105(b)(9)), we expect participants to be able to develop labeling protocols that will provide sufficient information to characterize the contents of containers containing laboratory waste.

Finally, one commenter pointed out that the rule, as proposed, would preclude a university from sending laboratory waste directly to a treatment, storage, or disposal (TSD) facility rather than first sending it to the hazardous waste accumulation area. The commenter felt that such an option may be necessary in unusual circumstances. EPA agrees that there may be unusual circumstances when a university would need the flexibility to transfer laboratory wastes from a laboratory directly to a permitted TSD facility, for example, if a laboratory generated a reactive waste where the most protective management of the waste might include minimizing the movement of the waste. Rather than moving the waste to the on-site hazardous waste accumulation area, the

University might feel that it is more prudent to ship it directly to the TSD. Therefore EPA has modified § 262.104(i) and other relevant provisions in the rule to clarify that laboratory waste may also be sent to a TSD facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271) if it is determined in the laboratory by the individuals identified in the EMP to be responsible for waste management decisions that the waste is a hazardous waste and that it is prudent to transfer it directly to a treatment, storage, and disposal facility.

Laboratory waste that will be sent directly to a TSD facility rather than to a hazardous waste accumulation area is still subject to the 30-day limit (§ 262.104(c)), and therefore, solid and hazardous waste determinations must be made in the laboratory by the appropriate personnel prior to the 30-day deadline for removing the waste from the laboratory. Whether sent to a hazardous waste accumulation area or directly to a TSD facility, all laboratory waste that is determined to be hazardous waste is no longer subject to the provisions of today's rule and must be managed in accordance with all applicable RCRA requirements (§ 262.106(c)). For example, waste sent from the laboratory to an off-site TSD facility will have to be accompanied by a manifest.

III. Response to Significant Public Comments

The following presents responses to significant public comments (in addition to those comments already discussed at Section C.2.) received during the public comment period. For EPA's responses to all the comments received during the public comment period regarding the proposal see the ADDRESSES section of this preamble to determine where you can obtain a copy, or follow the links to this project on EPA's world wide web Project XL website at <http://www.epa.gov/ProjectXL>.

EPA received 9 comment letters during the public comment period from: the California State University, Los Angeles Department of Chemistry and Biochemistry, the University of Wisconsin-Madison (Assistant Vice Chancellor), the American Chemical Society, Boston University, the Howard Hughes Medical Institute, Cynthia Salisbury, the American Council on Education, the University of Wisconsin System Administration—

Environmental/Occupational Health & Safety Section, and Harvard University.

(1) Many of the commenters supported EPA's proposed rule and agreed that the proposed rule should result in superior environmental performance and significant cost savings to universities while being protective of human health and the environment but also noted that the rulemaking should not be a model for all universities as this may not be the best approach at all educational institutions.

EPA Response: EPA does not consider this XL project to be a model for all universities, but rather a pilot designed to test one possible approach to the management of hazardous waste within university laboratories. One of the purposes of implementing this XL project, as with all XL projects, is to assess whether it should be considered for wider application. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful in the particular projects that embody them. Although EPA hopes that today's rule will result in a successful innovative new system for universities and other research organizations, we recognize that this regulatory approach may not be appropriate at all such institutions.

(2) Several commenters noted that because participating Universities may designate only certain departments to participate in the project, there would be duplicate systems regulating their hazardous waste.

EPA Response: Although this rule does not pilot a strictly performance-based system, nonetheless, each University may design their environmental management plan in the way that most suits their structure and needs. This includes each University having the option not to include all departments operating pursuant to the alternative standard's in today's rule. As several of the comment letters noted, this could result in two sets of rules being applicable at a single institution. EPA would like to stress that it is up to each University to decide, based on its own needs, what departments will be participating in this XL project. If, for example, certain departments determined that the EMP would work well with their Chemical Hygiene Plan, while other departments did not want to implement an EMP, then two sets of requirements for managing hazardous wastes in the laboratories would be applicable at that institution.

(3) Several commenters commented on the definition of "laboratory," indicating that EPA was considering the laboratory process unit or laboratory management unit concept and that the proposal does not specifically delineate what constitutes a laboratory, questioning whether, for example, a photo lab or clinical lab would be a laboratory.

Response: The definition of laboratory, under new Subpart J, is "an area within a facility where the laboratory use of hazardous chemicals occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis. The physical extent of individual laboratories within an organization will be defined by the Environmental Management Plan. A laboratory may include more than a single room if the rooms are in the same building and under the common supervision of a laboratory supervisor." This definition operates in concert with the definition of "Laboratory Scale" which is defined as "work with substances in which containers used for reactions, transfers and other handling of substances are designed to be safely and easily manipulated by one person." "Laboratory Scale" excludes "those workplaces whose function is to produce commercial quantities of chemicals." These definitions are another example of how this rule parallels the current OSHA Laboratory Standard, as these definitions follow the definitions in the OSHA standard.

Any area on a campus that is designated in the Environmental Management Plan as a laboratory and that meets these definitions will be considered a laboratory for the purpose of this pilot project. However, it would be rare that a typical photographic laboratory would meet the criterion of non-production. For example if a university had a photographic facility on the campus that processed film for students, that would be operating on a production basis and would not be considered eligible under this rule. However, EPA understands that photographic laboratories may also be laboratory scale and could be eligible to participate under this rule, examples would include, labs used to support research and teaching, such as a small photo lab developing X-rays as part of medical research or a small photo lab developing satellite photographs as part of geologic or environmental research. Key factors that would limit the participation of a laboratory include consideration of the scale of the activities and whether they could be viewed as operating as a production

process as opposed to the varied small-scale activities described in the proposed rule for teaching and research. EPA did not intend for this rule to be available to production operations. This rule applies to laboratory scale activities as defined in the definitions section at 40 CFR 262.102.

(4) Several commenters suggested that § 262.105(b)(6) of the proposed rule is duplicative since the EMP must include a "a pollution prevention plan, including, but not limited to, roles and responsibilities, training, pollution prevention activities, and performance evaluation." The commenter noted further that an EMP should be an integral part of every pollution prevention plan, or visa versa and "generic pollution prevention principles" should not be applied to automatically prevent the use of chemicals essential to research or to require the use of less effective substitutes.

Response: The rule requires each University to write, implement and comply with their EMP. Although the EMP must include a pollution prevention plan there are many elements that the EMP must include in addition to a pollution prevention plan. If a University already has a pollution prevention plan in place, this plan can be incorporated into or referenced by the EMP. There is no requirement for the plans to address or adopt generic solutions. The intent of the regulation is simply for each University to individually develop pollution prevention methods to ensure waste minimization and to document their intended actions or methods. The proposal attempts to recognize the unique activities of university laboratories, many of which, as the comment notes, are conducting innovative research that may lead to the improvement of the quality of life. It is the hope of EPA and the project sponsors that this XL project, once implemented and operational, will create a system that effectively and efficiently supports that research.

Furthermore, if the existing pollution prevention plan had "an environmental policy, or environmental, health and safety policy, signed by the University's senior management, including commitments to regulatory compliance, waste minimization, risk reduction and continual improvement of the environmental management system" as required by § 262.105(b)(1), then the EMP could simply incorporate the pollution prevention plan to meet this requirement. There is no requirement to create a new pollution prevention plan and, therefore, the requirement is not

duplicative. The project envisions that through annual reviews and continuous improvement, each university will determine whether separate plans or combined plans work best.

(5) The comment suggests that the proposed rule makes no provision for recycling of chemicals between nearby laboratories, which is an efficient waste minimization practice that precedes RCRA; everything that is waste from a laboratory must go to the central accumulation area for evaluation and recycling.

Response: Centralizing the solid and hazardous waste determination is one function that is being piloted with this XL project. The intent of the new alternative is to centralize waste re-use decisions within the EH&S department, which has knowledge of campus-wide re-use opportunities. A participating University may demonstrate that this precludes some internal re-use opportunities, and provide documentation as part of this pilot. Alternatively, if laboratories are working closely together and would like to share used chemicals, the definition of "laboratory" allows a participating University to define them as a single laboratory for the purposes of their Environmental Management Plan.

(6) The comment encourages EPA to make a change in the Minimum Performance Criteria with respect to § 262.104—that senior management should be granted authority to make changes in performance criteria.

Response: The minimum performance criteria have been developed as the minimum set of requirements that EPA believes are necessary to protect human health and the environment. Senior management may adopt more stringent criteria, as long as such criteria still comply with the requirements in today's rule.

(7) The comment suggests that § 262.104(b) and (d) be changed to provide some discretion to exceed the amounts when approved by senior management. An example is given that a university may want to describe a laboratory to mean all modules under control of a single researcher.

Response: For the purposes of this pilot, EPA will not be allowing additional flexibility in the amount of waste that can be temporarily held in a laboratory although EPA agrees that it might be useful to gather data on the need for additional flexibility on the amount of laboratory waste that can be temporarily held in the laboratory, especially in view of the fact that some laboratories may currently contain numerous points of generation resulting in limits far beyond the 110 gallons

currently imposed by this proposal. EPA expects the participating universities to indicate in their reports whenever such limits result in less than optimal implementation of the new rule. The rule currently includes the flexibility for the participating universities to identify the laboratories in their individual EMPs. In the process of continuous improvement and periodic reviews conducted by the universities during this project, the configuration of participating laboratories as identified in the EMP may be changed. Additionally, the Final Project Agreement (FPA) does envision that other participants may come forward with new proposals to pilot test these concepts.

(8) The comment suggests that the "in-line waste collection" at § 262.104(e)(1) interpretation augment the closed container rule for certain repetitive manual operations, under the discretion of senior management.

Response: EPA disagrees that discretion is appropriate in this area. EPA believes the requirements in the rule are necessary to protect human health and the environment. In the discussions during development of the rule, EPA considered the possibility of manual operations in terms of "in-line waste collection" and concluded that under such operations waste would be being added to the container under the control of the operator of the process and therefore would fit under the requirements as they are written at § 262.104(e): "containers of laboratory wastes must be: (1) closed at all times except when wastes are being added. . . ." EPA understands that repetitive manual operations such as a pipetting process where a researcher takes a supernatant from a beaker and pours it into a waste container could be interpreted as "wastes being added to the container." EPA was not provided with specific scenarios to describe repetitive manual operations where a container would be left open to add waste and yet would not meet the requirement that "containers must be closed at all times except when wastes are being added or removed." Thus, EPA sees no need to augment the closed container rule for manual operations where there is an operator of the process present.

(9) The comment suggests eliminating the inspection requirements at §§ 262.104(e)(4) and 262.105(b)(15) (the latter which specifically requires a regular inspection of each laboratory) since such requirements do not seem feasible for a large university that has thousands of laboratories.

Response: EPA does not agree that the inspection requirement should be removed at § 262.104(e)(4) as it performs an important function. Under current RCRA requirements, § 262.34(c) requires satellite accumulation containers to be "at or near any point of generation where waste initially accumulates which is under the control of the operator of the process generating the waste." This requirement helps ensure that containers in satellite accumulation areas will be naturally subject to inspection. Under today's rule, containers holding laboratory waste may not always be (and are not required to be) located at an area which is similarly subject to such naturally occurring inspections. Thus, EPA believes it is necessary to include a requirement that inspections of containers in laboratories be conducted on a regular (at least annual) basis to ensure that they meet the minimum performance criteria for container management.

40 CFR 262.105(b)(15) requires the EMP to include, "the procedures for regularly inspecting a laboratory to assess conformance with the requirements of the Environmental Management Plan." Based on the proposal submitted, EPA expects that this is a feasible requirement and is not unduly burdensome. (The New Hampshire state RCRA program, for example, already has such a requirement in place.) Nonetheless, this pilot will test the feasibility of the requirement. In this pilot, each University is expected to develop a system that will work within the constraints of their campus systems, and to define the personnel to perform the inspections and the timetable for these inspections, which may vary for each laboratory. For example, one participant currently utilizes a "peer review" type process for inspecting laboratories which has the added advantage of networking and the potential to create a system of informal exchange of best practices.

(10) The comment questions how university laboratories are accumulating 55 gallons of hazardous waste at the point of generation and whether this is a realistic problem for university laboratories.

Response: The project embodied in today's rule focuses on the approach that the University participants believe to be a common sense, cost effective approach for managing laboratory waste. EPA has determined that this particular XL project is beneficial to human health and the environment and is worth evaluating as an alternative to the existing system. The proposed rule was developed in view of current Federal

RCRA regulations for satellite accumulation areas that require that any hazardous waste accumulated at any point of generation in excess of 55 gallons (or one quart of acutely hazardous laboratory waste) be removed within three days. Current regulations do not limit the number of points of generation within an individual laboratory as long as hazardous waste is accumulated in accordance with all the requirements of 40 CFR 262.34(c). Thus, a given laboratory could potentially accumulate well over 55 gallons under the current rules. However, under the proposed rule, the Universities would be limited to temporarily holding 55 gallons of laboratory waste per laboratory, and no matter how many points of generation there are within a laboratory, any laboratory would be limited to 110 gallons. EPA noted in the preamble to the proposed rule (64 FR 40703) that "while this proposed restriction may prove to be more restrictive than the current system, this approach represents an experiment to be tested under this XL project."

The size of laboratory waste streams varies greatly, and although many laboratories do not produce large quantities of waste, there are some activities and some laboratories that may generate larger amounts on a discontinuous basis, making it difficult to schedule pick-ups.

(11) The comment addressed the regulatory implications of commingling RCRA regulated lab wastes and non-RCRA laboratory wastes (e.g., nonhazardous wastes). The comment noted that the commingling of RCRA regulated laboratory wastes and non-RCRA laboratory wastes would result in the entire mixture being designated a RCRA hazardous waste (assuming the laboratory waste is a determined to be a RCRA waste) due to the mixture rule (see 40 CFR 261.3(a)(2)), and thus would result in an increase in hazardous waste generation. Likewise, the scenario would be the same for the commingling of RCRA acutely hazardous wastes (e.g., P-listed hazardous wastes) and acutely hazardous laboratory wastes (AHLW), only the impact could be more substantial because of the "1 kilogram of acute hazardous waste/month" definition of a Large Quantity Generator (LQG). The commenter went further to say that the only way to prevent this scenario would be if the laboratory workers identify which laboratory wastes are RCRA hazardous wastes and keep those wastes segregated from the non-RCRA wastes. The comment concludes with the statement that a primary objective of this XL project is to take the waste determination out of the

hands of laboratory workers; however, to efficiently implement the proposal, these laboratory workers must continue to make these waste determinations (presumably in order to segregate RCRA hazardous wastes from non-RCRA wastes). The commenter believes this would have the effect of creating "another layer in the waste determination scheme—and a layer that will likely result in consternation at the central accumulation area."

Response: EPA believes the commenter misunderstands the objective of this rule. It is not the goal of the XL project to take all waste determinations out of the hands of the laboratory workers, but rather to centralize the point at which RCRA hazardous waste determinations are made within the university such that more effective and informed determinations are made with regard to whether the chemicals in question are truly wastes that require further management as solid and hazardous waste or whether they may be reused within the university and, thus, are not wastes.

While EPA acknowledges that the commenter is correct in that the mixture rule does apply and could have the regulatory effect described in the comment, the Agency does not believe that the applicability of the mixture rule to such commingling scenarios is a regulatory impediment. A "superior environmental benefit" of this project is to encourage and increase the reuse of laboratory wastes. Since the commingling of these chemicals (i.e., laboratory wastes) would likely result in rendering such chemicals unusable and thus precluding reuse opportunities, the Agency believes a regulatory change that would encourage such commingling would be counter to the goal of this XL project.

In EPA's experience under this project, laboratories do not commonly mingle acutely hazardous and hazardous waste. Additionally, under this project, the specific concern of the comment should be addressed by two of the requirements of the EMP working together. Under the EMP, the laboratories will be required to include (see § 262.105(b)(6)) a pollution prevention plan, including, but not limited to, roles and responsibilities and training as well as (see § 262.105(b)(9)) "the criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances, and the use of laboratory wastes secondary containers including

packaging, bottles, or test tube racks." Each EMP must address the labeling and containing of wastes and ensure that laboratory workers are trained to implement the EMP (see 40 CFR 262.104(j) and 262.105(d)(1)).

EPA does not agree that today's rule will, in effect, impose a second (and complicating) layer of waste determinations. Rather, the regulatory modifications being promulgated in today's rule recognize that while laboratory workers may have specific knowledge of the chemicals in question, they may not have access to information pertinent to whether the chemical is also a solid waste under RCRA (e.g., information regarding potential reuse of a chemical in another part of the university). The Agency also notes that today's rule provides the flexibility for specific procedures (including procedures regarding the commingling of these materials) to be set by the laboratory (e.g., in the environmental management plan (EMP)). To the extent that RCRA regulations discourage the commingling of laboratory wastes, encourage the segregation of RCRA acutely hazardous wastes (a designation that assumes the chemicals are discarded rather than reused), and that these regulatory considerations are reflected in the EMP or standardized laboratory procedures, EPA considers this a benefit of the current regulatory framework.

(12) The comment questions the need for a deferral of the requirements of 40 CFR 262.34(c) within the laboratory because that deferral would follow as a direct consequence of deferring the § 262.11 hazardous waste determination.

Response: The deferral of the § 262.11 hazardous waste determination does not mean that laboratories are not handling hazardous waste; the effect of the "deferral" is only to identify with precision the point at which these Universities will be held responsible for their solid and hazardous waste determinations. For this reason, EPA has explicitly deferred those portions of 40 CFR Part 262 that could otherwise have applied within the laboratory to the handling of material that was later determined to be hazardous waste.

(13) The comment makes the statement that Clean Water Act notification may no longer apply to any laboratory waste discharged down the drain by participating institutions.

Response: The proposal specifically addresses releases of hazardous constituents as noted at 64 FR 40703–40704 of the preamble: "Today's proposed rule would contain a statement that laboratory waste

management must not result in the release of hazardous constituents into the land, air and water where such release would be prohibited by federal law." The rule itself includes two provisions to prevent such releases, including § 262.103 (the scope of the laboratory environmental management standard) and § 262.104(e). The Laboratory Environmental Management Standard will not affect or supersede any legal requirements other than those described in § 262.10(j). The requirements that continue to apply include, but are not limited to, OSHA, Fire Codes, wastewater permit limitations, emergency response notification provisions, and other legal requirements applicable to University laboratories. Also, the rule states at § 262.104(f) "the management of laboratory waste must not result in the release of hazardous constituents into the land, air and water where such release is prohibited under federal law." Additionally, with respect to regulations concerning POTW's, local limits as specified under 40 CFR 403.5 would continue to apply.

(14) The comment expresses concern over the scope of wastes covered under the definition of "laboratory wastes" in the rule and questions how the definition applies to such waste products as broken labware, towels, bench coverings, gels and protective equipment that have come into contact with chemicals.

Response: Today's rule requires that the EMP include (see § 262.105(b)(9)) "the criteria laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances." The EMP must identify how such waste products as broken labware, towels, bench coverings, gels and protective equipment that have come into contact with chemicals would be managed, contained and labeled when they are appropriately considered to be laboratory waste. The determination of the status of such material will depend on the characterization of the waste. This is no different than current RCRA requirements. As noted in response to a previous comment, it is not the goal of the XL project to take all waste determinations out of the hands of the laboratory workers, but rather to centralize the point at which RCRA hazardous waste determinations are made within the University such that more effective and informed determinations are made with regard to whether the chemicals in question are truly wastes that require further

management as solid and/or hazardous waste.

(15) The comment notes that § 262.106 requires a hazardous waste determination "as soon as the laboratory waste reaches the University's Hazardous Waste Accumulation Area," and believes that the words "as soon as" should be replaced with "at the first opportunity" to allow waste management personnel adequate time to characterize containers when many are received.

Response: In developing the rule, EPA considered several alternatives for this provision. EPA feels that "at the first opportunity" would be too vague and subject to interpretation of when the appropriate "opportunity" arose. The intent of the regulation is that waste be characterized as soon as it arrives. EPA understands that waste characterization is a process, and in some cases that process could require that a sample be sent out to confirm the contents of a container. EPA also acknowledges that there could, at times, be a large number of containers that will take some effort to characterize. The intent of the regulation is not to impose an impossible standard, but to ensure that the process of characterizing the waste will commence as soon as the waste reaches the accumulation area.

IV. What Is the Effective Date of This Rule?

This rule is effective immediately. Section 3010(b) of RCRA generally requires that EPA's hazardous waste regulations and revisions thereto take effect within six months after their promulgation. The purpose of this requirement is to allow persons handling hazardous wastes sufficient lead time to prepare to comply with new regulatory requirements. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six months when the regulated entities do not need the six-month period to come into compliance. That is the case here. This rule will not take effect in the relevant states unless and until it is adopted as state law. In addition, the rule itself does not require immediate compliance. Once adopted as state law, its effect will be to exempt certain entities from identified RCRA regulations so long as the entities comply with the requirements in this rule (*i.e.*, it is up to the regulated entities to determine when they want to take advantage of the exemption). These reasons also provide a basis for making this rule effective immediately, upon publication, under

the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

V. Additional Information

A. How Does This Rule Comply With Executive Order 12866?

Because this rule affects only three specific universities, it is not a rule of general applicability and, therefore, is not subject to OMB review and Executive Order 12866. In addition, OMB has agreed that review of site-specific rules under Project XL is not necessary.

B. Is a Regulatory Flexibility Analysis Required?

The Regulatory Flexibility Act (RFA) generally requires an Agency to conduct a Regulatory Flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions. EPA has concluded that this rule will not have a significant impact on a substantial number of small entities because it affects only three entities: the University of Massachusetts-Boston, Boston, Massachusetts, Boston College, Chestnut Hill, Massachusetts, and the University of Vermont, Burlington, Vermont. These Universities are not small entities. Therefore, EPA certifies that today's rule will not have a significant economic impact on a substantial number of small entities.

C. Is EPA Required To Submit a Rule Report Under the Congressional Review Act?

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and the Comptroller General of the United States. Section 804, however, exempts from Section 801 the following types of rules: rules of particular applicability, rules relating to agency management or personnel, and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under Section 801 because this is a rule of particular applicability.

D. Is an Information Collection Request Required for This Project Under the Paperwork Reduction Act?

This action applies only to three universities, and therefore requires no information collection activities subject to the Paperwork Reduction Act, and therefore no information collection request (ICR) will be submitted to OMB for review in compliance with the Paperwork Reduction Act, 44 U.S.C. 3501, *et seq.*

E. Does This Project Trigger the Requirements of the Unfunded Mandates Reform Act?

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104-4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, EPA generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with "Federal mandates" that may result in expenditures to State, local, and tribal governments, in the aggregate, or to the private sector, of \$100 million or more in any one year. Before promulgating an EPA rule for which a written statement is needed, section 205 of the UMRA generally requires EPA to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the final rule an explanation of why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

As noted above, this rule is applicable only to the three Universities. The EPA has determined that this rule does not contain a Federal mandate that may

result in expenditures of \$100 million or more for State, local, and tribal governments, in the aggregate, or the private sector in any one year. Thus, today's rule is not subject to the requirements of sections 202 and 205 of the UMRA. EPA has also determined that this rule contains no regulatory requirements that might significantly or uniquely affect small governments.

F. RCRA/HSWA

1. Applicability of Rules in Authorized States

Under section 3006 of RCRA, EPA may authorize qualified States to administer and enforce the RCRA program for hazardous waste within the State. (See 40 CFR part 271 for the standards and requirements for authorization.) States with final authorization administer their own hazardous waste programs in lieu of the federal program. Following authorization, EPA retains enforcement authority under sections 3008, 7003 and 3013 of RCRA.

After authorization, rules written under RCRA provisions that predate the Hazardous and Solid Waste Amendments of 1984 (HSWA) no longer apply in the authorized State. New Federal requirements imposed by those rules do not take effect in an authorized state until the state adopts the requirements as state law.

In contrast, under section 3006(g) of RCRA, new requirements and prohibitions imposed by HSWA take effect in authorized States at the same time they take effect in nonauthorized States. EPA is directed to carry out those requirements and prohibitions in authorized States until the state is granted authorization to do so.

2. Effect on Massachusetts and Vermont Authorization

Today's rule is promulgated pursuant to RCRA provisions that predate HSWA. Massachusetts and Vermont have received authority to administer most of the RCRA program; thus, authorized provisions of the States' hazardous waste program are administered in lieu of the Federal program. Massachusetts and Vermont have received authority to administer hazardous waste standards for generators. As a result, today's rule will not be effective in Massachusetts and Vermont until the States adopt equivalent requirements as State law. It is EPA's understanding that subsequent to the promulgation of this rule, Massachusetts and Vermont intend to propose rules containing equivalent provisions. EPA may not enforce these requirements until it approves the State

requirements as a revision to each of the authorized State programs.

G. How Does This Rule Comply With Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks?

The Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically significant" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the Agency must evaluate the environmental health or safety effects of the planned rule on children and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency.

This rule is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the Agency does not have reason to believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

H. How Does This Rule Comply With Executive Orders on Federalism?

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

Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

On August 4, 1999, President Clinton issued a new executive order on Federalism, Executive Order 13132 (64 FR 43255 (August 10, 1999)) which will take effect on November 2, 1999. In the interim, the current Executive Order 12612 (52 FR 41685 (October 30, 1987)) on federalism still applies. This rule will 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, as specified in Executive Order 12612.

I. How Does This Rule Comply With Executive Order 13084: Consultation and Coordination With Indian Tribal Governments?

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments or EPA consults with those governments. If EPA complies by consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments "to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities." Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule. There are no communities of Indian tribal governments located in the vicinity of the University laboratories.

J. Does This Rule Comply With National Technology Transfer and Advancement Act?

As noted in the proposed rule, section 12(d) of the National Technology Transfer and Advancement Act of 1995

(NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This rulemaking does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

List of Subjects in 40 CFR Part 262

Environmental protection, Hazardous waste.

Dated: September 22, 1999.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, part 262 of title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

1. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922-6925, 6937, and 6938.

Subpart A—General

2. Section 262.10 is amended by adding paragraph (j) to read as follows:

§ 262.10 Purpose, scope, and applicability.

* * * * *

(j) (1) Universities that are participating in the Laboratory XL project are the University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, and the University of Vermont in Burlington, Vermont (“Universities”). The Universities generate laboratory wastes (as defined in § 262.102), some of which will be hazardous wastes. As long as the Universities comply with all the requirements of subpart J of this part the Universities’ laboratories that are participating in the University Laboratories XL Project as identified in Table 1 of this section, are not subject to the provisions of §§ 262.11, 262.34(c), 40 CFR Parts 264 and 265, and the permit requirements of 40 CFR Part 270 with respect to said laboratory wastes.

TABLE 1.—LABORATORY XL PROJECT PARTICIPANT INFORMATION

Institution	Approx. number of labs	Departments participating	Location of current hazardous waste accumulation areas
Boston College, Chestnut Hill, MA	120	Chemistry, Biology, Geology, Physics, Psychology.	Merkert Chemistry Building, 2609 Beacon St., Boston, MA, Higgins Building, 140 Commonwealth Ave., Chestnut Hill, MA.
University of Massachusetts Boston, Boston, MA.	150	Chemistry, Biology, Psychology, Anthropology, Geology and Earth Sciences, and Environmental, Coastal and Ocean Sciences.	Science Building (Bldg. #080); McCormack Building (Bldg. #020); and Wheatley Building (Bldg. #010), 100 Morrissey Blvd., Boston, MA.
University of Vermont, Burlington, VT.	400	Colleges of: Agriculture and Life Sciences, Arts and Sciences, Medicine, and Engineering and Mathematics; and Schools of: Nursing, Allied Health Sciences, and Natural Resources.	Given Bunker, 89 Beaumont Ave., Burlington, VT.

(2) Each University shall have the right to change its respective departments or the on-site location of its hazardous waste accumulation areas listed in Table 1 of this section upon written notice to the Regional Administrator for EPA-Region I and the appropriate state agency. Such written notice will be provided at least ten days prior to the effective date of any such changes.

3. Part 262 is amended by adding Subpart J to read as follows:

Subpart J—University Laboratories XL Project—Laboratory Environmental Management Standard

Sec.

262.100 To what organizations does this subpart apply?

262.101 What is in this subpart?

262.102 What special definitions are included in this subpart?

262.103 What is the scope of the laboratory environmental management standard?

262.104 What are the minimum performance criteria?

262.105 What must be included in the laboratory environmental management plan?

262.106 When must a hazardous waste determination be made?

262.107 Under what circumstances will a university’s participation in this environmental management standard pilot be terminated?

262.108 When will this subpart expire?

§ 262.100 To what organizations does this subpart apply?

This subpart applies to an organization that meets all three of the following conditions:

(a) It is one of the three following academic institutions: The University of Massachusetts Boston in Boston, Massachusetts, Boston College in Chestnut Hill, Massachusetts, or the University of Vermont in Burlington, Vermont (“Universities”); and

(b) It is a laboratory at one of the Universities (identified pursuant to § 262.105(c)(2)(ii)) where laboratory

scale activities, as defined in § 262.102, result in laboratory waste; and

(c) It complies with all the requirements of this subpart.

§ 262.101 What is in this subpart?

This subpart provides a framework for a new management system for wastes that are generated in University laboratories. This framework is called the Laboratory Environmental Management Standard. The standard includes some specific definitions that apply to the University laboratories. It contains specific requirements for how to handle laboratory waste that are called Minimum Performance Criteria. The standard identifies the requirements for developing and implementing an environmental management plan. It outlines the responsibilities of the management staff of each participating university. Finally, the standard identifies requirements for training people who will work in the

laboratories or manage laboratory waste. This Subpart contains requirements for RCRA solid and hazardous waste determination, and circumstances for termination and expiration of this pilot.

§ 262.102 What special definitions are included in this subpart?

For purposes of this subpart, the following definitions apply:

Acutely Hazardous Laboratory Waste means a laboratory waste, defined in the Environmental Management Plan as posing significant potential hazards to human health or the environment and which must include RCRA "P" wastes, and may include particularly hazardous substances as designated in a University's Chemical Hygiene Plan under OSHA, or Extremely Hazardous Substances under the Emergency Planning and Community Right to Know Act.

Emergency means any occurrence such as, but not limited to, equipment failure, rupture of containers or failure of control equipment which results in the potential uncontrolled release of a hazardous chemical into the environment and which requires agency or fire department notification and/or reporting.

Environmental Management Plan (EMP) means a written program developed and implemented by the university which sets forth standards and procedures, responsibilities, pollution control equipment, performance criteria, resources and work practices that both protect human health and the environment from the hazards presented by laboratory wastes within a laboratory and between a laboratory and the hazardous waste accumulation area, and satisfies the plan requirements defined elsewhere in this Subpart. Certain requirements of this plan are satisfied through the use of the Chemical Hygiene Plan (see, 29 CFR 1910.1450), or equivalent, and other relevant plans, including a waste minimization plan. The elements of the Environmental Management Plan must be easily accessible, but may be integrated into existing plans, incorporated as an attachment, or developed as a separate document.

Environmental Objective means an overall environmental goal of the organization which is verifiable.

Environmental Performance means results of the data collected pursuant to implementation of the Environmental Management Plan as measured against policy, objectives and targets.

Environmental Target means an environmental performance requirement of the organization which is quantifiable, where practicable,

verifiable and designed to be achieved within a specified time frame.

Hazardous Chemical means any chemical which is a physical hazard or a health hazard. A physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive. A health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system and agents which damage the lungs, skin, eyes or mucous membranes.

Hazardous Chemical of Concern means a chemical that the organization has identified as having the potential to be of significant risk to human health or the environment if not managed in accordance with procedures or practices defined by the organization.

Hazardous Waste Accumulation Area means the on-site area at a University where the University will make a solid and hazardous waste determination with respect to laboratory wastes.

In-Line Waste Collection means a system for the automatic collection of laboratory waste which is directly connected to or part of a laboratory scale activity and which is constructed or operated in a manner which prevents the release of any laboratory waste therein into the environment during collection.

Laboratory means, for the purpose of this Subpart, an area within a facility where the laboratory use of hazardous chemicals occurs. It is a workplace where relatively small quantities of hazardous chemicals are used on a non-production basis. The physical extent of individual laboratories within an organization will be defined by the Environmental Management Plan. A laboratory may include more than a single room if the rooms are in the same building and under the common supervision of a laboratory supervisor.

Laboratory Clean-Out means an evaluation of the chemical inventory of a laboratory as a result of laboratory renovation, relocation or a change in laboratory supervision that may result in the transfer of laboratory wastes to the hazardous waste accumulation area.

Laboratory Environmental Management Standard means the provisions of this Subpart and includes the requirements for preparation of Environmental Management Plans and the inclusion of Minimum Performance Criteria within each Environmental Management Plan.

Laboratory Scale means work with substances in which containers used for reactions, transfers and other handling of substances are designed to be safely and easily manipulated by one person. "Laboratory Scale" excludes those workplaces whose function is to produce commercial quantities of chemicals.

Laboratory Waste means a hazardous chemical that results from laboratory scale activities and includes the following: excess or unused hazardous chemicals that may or may not be reused outside their laboratory of origin; hazardous chemicals determined to be RCRA hazardous waste as defined in 40 CFR Part 261; and hazardous chemicals that will be determined not to be RCRA hazardous waste pursuant to § 262.106.

Laboratory Worker means a person who is assigned to handle hazardous chemicals in the laboratory and may include researchers, students or technicians.

Legal and Other Requirements means requirements imposed by, or as a result of, governmental permits, governmental laws and regulations, judicial and administrative enforcement orders, non-governmental legally enforceable contracts, research grants and agreements, certification specifications, formal voluntary commitments and organizational policies and standards.

Senior Management means senior personnel with overall responsibility, authority and accountability for managing laboratory activities within the organization.

Universities means the following academic institutions; University of Vermont, Boston College, and the University of Massachusetts Boston, which are participants in this Laboratory XL project and which are subject to the requirements set forth in this Subpart J.

§ 262.103 What is the scope of the laboratory environmental management standard?

The Laboratory Environmental Management Standard will not affect or supersede any legal requirements other than those described in § 262.10(j). The requirements that continue to apply include, but are not limited to, OSHA, Fire Codes, wastewater permit limitations, emergency response notification provisions, or other legal

requirements applicable to University laboratories.

§ 262.104 What are the minimum performance criteria?

The Minimum Performance Criteria that each University must meet in managing its Laboratory Waste are:

(a) Each University must label all laboratory waste with the general hazard class and either the words "laboratory waste" or with the chemical name of the contents. If the container is too small to hold a label, the label must be placed on a secondary container.

(b) Each University may temporarily hold up to 55 gallons of laboratory waste or one quart of acutely hazardous laboratory waste, or weight equivalent, in each laboratory, but upon reaching these thresholds, each University must mark that laboratory waste with the date when this threshold requirement was met (by dating the container(s) or secondary container(s)).

(c) Each university must remove all of the dated laboratory waste from the laboratory for delivery to a location identified in paragraph (i) of this section within 30 days of reaching the threshold amount identified in paragraph (b) of this section.

(d) In no event shall the excess laboratory waste that a laboratory temporarily holds before dated laboratory waste is removed exceed an additional 55 gallons of laboratory waste (or one additional quart of acutely hazardous laboratory waste). No more than 110 gallons of laboratory waste total (or no more than two quarts of acutely hazardous laboratory waste total) may be temporarily held in a laboratory at any one time. Excess laboratory waste must be dated and removed in accordance with the requirements of paragraphs (b) and (c) of this section.

(e) Containers of laboratory wastes must be:

(1) Closed at all times except when wastes are being added to (including during in-line waste collection) or removed from the container;

(2) Maintained in good condition and stored in the laboratory in a manner to avoid leaks;

(3) Compatible with their contents to avoid reactions between the waste and its container; and must be made of, or lined with, materials which are compatible with the laboratory wastes to be temporarily held in the laboratory so that the container is not impaired; and

(4) Inspected regularly (at least annually) to ensure that they meet requirements for container management.

(f) The management of laboratory waste must not result in the release of

hazardous constituents into the land, air and water where such release is prohibited under federal law.

(g) The requirements for emergency response are:

(1) Each University must post notification procedures, location of emergency response equipment to be used by laboratory workers and evacuation procedures;

(2) Emergency response equipment and procedures for emergency response must be appropriate to the hazards in the laboratory such that hazards to human health and the environment will be minimized in the event of an emergency;

(3) In the event of a fire, explosion or other release of laboratory waste which could threaten human health or the environment, the laboratory worker must follow the notification procedures under paragraph (g)(1) of this section.

(h) Each University must investigate, document, and take actions to correct and prevent future incidents of hazardous chemical spills, exposures and other incidents that trigger a reportable emergency or that require reporting under paragraph (g) of this section.

(i) Each University may only transfer laboratory wastes from a laboratory:

(1) directly to an on-site designated hazardous waste accumulation area. Notwithstanding 40 CFR 263.10(a), each University must comply with requirements for transporters set forth in 40 CFR 263.30 and 263.31 in the event of a discharge of laboratory waste en route from a laboratory to an on-site hazardous waste accumulation area; or

(2) to a treatment, storage or disposal (TSD) facility permitted to handle the waste under 40 CFR part 270 or in interim status under 40 CFR parts 265 and 270 (or authorized to handle the waste by a state with a hazardous waste management program approved under 40 CFR part 271) if it is determined in the laboratory by the individuals identified in § 262.105(b)(3) to be responsible for waste management decisions that the waste is a hazardous waste and that it is prudent to transfer it directly to a treatment, storage, and disposal facility rather than an on-site accumulation area.

(j) Each University must ensure that laboratory workers receive training and are provided with information so that they can implement and comply with these Minimum Performance Criteria.

§ 262.105 What must be included in the laboratory environmental management plan?

(a) Each University must include specific measures it will take to protect

human health and the environment from hazards associated with the management of laboratory wastes and from the reuse, recycling or disposal of such materials outside the laboratory.

(b) Each University must write, implement and comply with an Environmental Management Plan that includes the following:

(1) The specific procedures to assure compliance with each of the Minimum Performance Criteria set forth in § 262.104.

(2) An environmental policy, or environmental, health and safety policy, signed by the University's senior management, which must include commitments to regulatory compliance, waste minimization, risk reduction and continual improvement of the environmental management system.

(3) A description of roles and responsibilities for the implementation and maintenance of the Laboratory Environmental Management Plan.

(4) A system for identifying and tracking legal and other requirements applicable to laboratory waste, including the procedures for providing updates to laboratory supervisors.

(5) Criteria for the identification of physical and chemical hazards and the control measures to reduce the potential for releases of laboratory wastes to the environment, including engineering controls, the use of personal protective equipment and hygiene practices, containment strategies and other control measures.

(6) A pollution prevention plan, including, but not limited to, roles and responsibilities, training, pollution prevention activities, and performance review.

(7) A system for conducting and updating annual surveys of hazardous chemicals of concern and procedures for identifying acutely hazardous laboratory waste.

(8) The procedures for conducting laboratory clean-outs with regard to the safe management and disposal of laboratory wastes.

(9) The criteria that laboratory workers must comply with for managing, containing and labeling laboratory wastes, including: an evaluation of the need for and the use of any special containers or labeling circumstances, and the use of laboratory wastes secondary containers including packaging, bottles, or test tube racks.

(10) The procedures relevant to the safe and timely removal of laboratory wastes from the laboratory.

(11) The emergency preparedness and response procedures to be implemented for laboratory waste.

(12) Provisions for information dissemination and training, provided for in paragraph (d) of this section.

(13) The procedures for the development and approval of changes to the Environmental Management Plan.

(14) The procedures and work practices for safely transferring or moving laboratory wastes from a laboratory to a location identified in § 262.104(i).

(15) The procedures for regularly inspecting a laboratory to assess conformance with the requirements of the Environmental Management Plan.

(16) The procedures for the identification of environmental management plan noncompliance, and the assignment of responsibility, timelines and corrective actions to prevent their reoccurrence.

(17) The record keeping requirements to document conformance with this Plan.

(c) Organizational responsibilities for each university. Each University must:

(1) Develop and oversee implementation of its Laboratory Environmental Management Plan.

(2) Identify the following:

(i) Annual environmental objectives and targets;

(ii) Those laboratories covered by the requirements of the Laboratory Environmental Management Plan.

(3) Assign roles and responsibilities for the effective implementation of the Environmental Management Plan.

(4) Determine whether laboratory wastes are solid wastes under RCRA and, if so, whether they are hazardous.

(5) Develop, implement, and maintain:

(i) Policies, procedures and practices governing its compliance with the Environmental Management Plan and applicable federal and state hazardous waste regulations.

(ii) Procedures to monitor and measure relevant conformance and environmental performance data for the purpose of supporting continual improvement of the Environmental Management Plan.

(iii) Policies and procedures for managing environmental documents and records applicable to this Environmental Management Standard.

(6) Ensure that:

(i) Its Environmental Management Plan is available to laboratory workers, vendors, employee representatives, visitors, on-site contractors, and upon request, to governmental representatives.

(ii) Personnel designated by each University to handle laboratory wastes and RCRA hazardous waste receive appropriate training.

(iii) The Environmental Management Plan is reviewed at least annually by senior management to ensure its continuing suitability, adequacy and effectiveness. The reviews may include, but not be limited to, a consideration of monitoring and measuring information, Laboratory Environmental Management Standard performance data, assessment and audit results and other relevant information and data.

(d) What are the Information and Training Requirements for Each University?

(1) Each University must ensure that laboratory workers receive training and are provided with the information to understand and implement the elements of each University's Environmental Management Plan that are relevant to the laboratory workers' responsibilities.

(2) When must each University ensure that laboratory workers receive training and information?

(i) Each University must provide the information to each laboratory worker when he/she is first assigned to a work area where laboratory wastes may be generated.

(ii) Each University must ensure that each laboratory worker has had training within six months of when he/she is first assigned to a work area where laboratory wastes may be generated. Each University must retrain a laboratory worker when a laboratory waste poses a new or unique hazard for which the laboratory worker has not received prior training and as frequently as needed to maintain knowledge of the procedures of the Environmental Management Plan.

(3) Each University must provide an outline of training and specify who is to receive training in its Environmental Management Plan.

(4) Each University must ensure that laboratory workers are informed of:

(i) The contents of this Subpart and the Laboratory Environmental Management Plan(s) for the laboratory(ies) in which they will be performing work;

(ii) The location and availability of the Environmental Management Plan;

(iii) Emergency response measures applicable to laboratories;

(iv) Signs and indicators of a hazardous substance release;

(v) The location and availability of known reference materials relevant to implementation of the Environmental Management Plan; and

(vi) Environmental training requirements applicable to laboratory workers.

(5) Each University must ensure that Laboratory workers have received training in:

(i) Methods and observations that may be used to detect the presence or release of a hazardous substance;

(ii) The chemical and physical hazards associated with laboratory wastes in their work area;

(iii) The relevant measures a laboratory worker can take to protect human health and the environment; and

(iv) Details of the Environmental Management Plan sufficient to ensure they manage laboratory waste in accordance with the requirements of this Subpart.

(6) Requirements pertaining to Laboratory visitors:

(i) Laboratory visitors, such as on-site contractors or environmental vendors, that require information and training under this standard must be identified in the Environmental Management Plan.

(ii) Laboratory visitors identified in the Environmental Management Plan must be informed of the existence and location of the Environmental Management Plan.

(iii) Laboratory visitors identified in the Environmental Management Plan must be informed of relevant policies, procedures or work practices to ensure compliance with the requirements of the Environmental Management Plan.

(7) Each University must define methods of providing objective evidence and records of training and information dissemination in its Environmental Management Plan.

§ 262.106 When must a hazardous waste determination be made?

(a) For laboratory waste sent from a laboratory to an on-site hazardous waste accumulation area, each University must evaluate the laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, as soon as the laboratory wastes reach the University's Hazardous Waste Accumulation area(s). At this point each University must determine whether the laboratory waste will be reused or whether it must be managed as RCRA solid or hazardous waste.

(b) For laboratory waste that will be sent from a laboratory to a TSD facility permitted to handle the waste, each University must evaluate such laboratory wastes to determine whether they are solid wastes under RCRA and, if so, determine pursuant to § 262.11 (a) through (d) whether they are hazardous wastes, prior to the 30-day deadline for removing dated laboratory waste from the laboratory.

(c) Laboratory waste that is determined to be hazardous waste is no longer subject to the provisions of this

subpart and must be managed in accordance with all applicable provisions of 40 CFR Parts 260 through 270.

§ 262.107 Under what circumstances will a university's participation in this environmental management standard pilot be terminated?

(a) EPA retains the right to terminate a University's participation in this Laboratory XL project if the University:

(1) Is in non-compliance with the Minimum Performance Criteria in § 262.104; or

(2) Has actual environmental management practices in the laboratory that do not conform to its Environmental Management Plan; or

(3) Is in non-compliance with the Hazardous Waste Determination requirements of § 262.106.

(b) In the event of termination, EPA will provide the University with 15 days written notice of its intent to terminate. During this period, which commences upon receipt of the notice, the University will have the opportunity to come back into compliance with the Minimum Performance Criteria, its Environmental Management Plan, or the requirements for making a hazardous waste determination at § 262.106 or to provide a written explanation as to why it was not in compliance and how it intends to return to compliance. If, upon review of the University's written explanation, EPA then re-issues a written notice terminating the University from this XL Project, the provisions of paragraph (c) of this section will immediately apply and the University shall have 90 days to come into compliance with the applicable

RCRA requirements deferred by § 262.10(j). During the 90-day transition period, the provisions of this subpart shall continue to apply to the University.

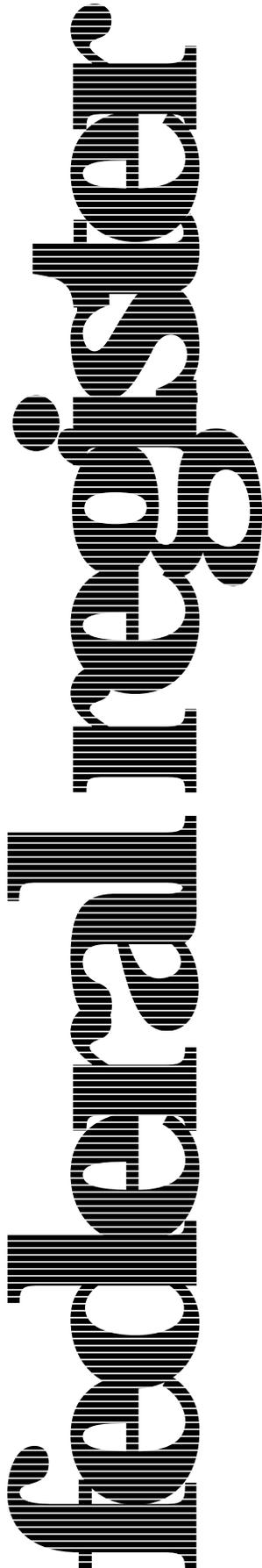
(c) If a University withdraws from this XL project, or receives a notice of termination pursuant to this section, it must submit to EPA and the state a schedule for returning to full compliance with RCRA requirements at the laboratory level. The schedule must show how the University will return to full compliance with RCRA within 90 days from the date of the notice of termination or withdrawal.

§ 262.108 When will this subpart expire?

This subpart will expire on September 30, 2003.

[FR Doc. 99-25137 Filed 9-27-99; 8:45 am]

BILLING CODE 6560-50-U



Tuesday
September 28, 1999

Part III

**Department of the
Interior**

Fish and Wildlife Service

**50 CFR Part 20
Migratory Bird Hunting; Late Seasons
and Bag and Possession Limits for
Certain Migratory Game Birds; Final Rule**

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 20

RIN 1018-AF24

Migratory Bird Hunting; Late Seasons and Bag and Possession Limits for Certain Migratory Game Birds

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: This rule prescribes the hunting seasons, hours, areas, and daily bag and possession limits for general waterfowl seasons and those early seasons for which States previously deferred selection. Taking of migratory birds is prohibited unless specifically provided for by annual regulations. This rule permits the taking of designated species during the 1999–2000 season.

DATE: This rule takes effect on October 1, 1999.

ADDRESSES: You may inspect comments during normal business hours in room 634, Arlington Square Building, 4401 N. Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Jonathan Andrew, Chief, or Ron W. Kokel, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, (703) 358–1714.

SUPPLEMENTARY INFORMATION:**Regulations Schedule for 1999**

On May 3, 1999, we published in the **Federal Register** (64 FR 23742) a proposal to amend 50 CFR part 20. The proposal dealt with the establishment of seasons, limits, and other regulations for migratory game birds under § 20.101 through 20.107, 20.109, and 20.110 of subpart K. On June 17, we published in the **Federal Register** (64 FR 32758) a second document providing supplemental proposals for early- and late-season migratory bird hunting regulations frameworks and the proposed regulatory alternatives for the 1999–2000 duck hunting season. The June 17 supplement also provided detailed information on the 1999–2000 regulatory schedule and announced the Service Migratory Bird Regulations Committee and Flyway Council meetings.

On June 22–23, we held meetings that reviewed information on the current status of migratory shore and upland game birds and developed 1999–2000 migratory game bird regulations recommendations for these species plus regulations for migratory game birds in Alaska, Puerto Rico, and the Virgin

Islands; special September waterfowl seasons in designated States; special sea duck seasons in the Atlantic Flyway; and extended falconry seasons. In addition, we reviewed and discussed preliminary information on the status of waterfowl as it relates to the development and selection of the regulatory packages for the 1999–2000 regular waterfowl seasons. On July 22, we published in the **Federal Register** (64 FR 39460) a third document specifically dealing with the proposed frameworks for early-season regulations for the 1999–2000 duck hunting season. The July 22 supplement also established the final regulatory alternatives for the 1999–2000 duck hunting season.

On August 3–4, 1999, we held meetings, as announced in the May 3 and June 17 **Federal Registers**, to review the status of waterfowl. On August 27, 1999, we published a fourth document (64 FR 47048) which dealt specifically with proposed frameworks for the 1999–2000 late-season migratory bird hunting regulations. On August 27, 1999, we also published a fifth document (64 FR 47072) containing final frameworks for early migratory bird hunting seasons from which wildlife conservation agency officials from the States, Puerto Rico, and the Virgin Islands selected early-season hunting dates, hours, areas, and limits for the 1999–2000 season. On August 31, 1999, we published in the **Federal Register** (64 FR 47418) a sixth document consisting of a final rule amending subpart K of title 50 CFR part 20 to set hunting seasons, hours, areas, and limits for early seasons. We published final late-season frameworks for migratory game bird hunting regulations, from which State wildlife conservation agency officials selected late-season hunting dates, hours, areas, and limits for 1999–2000 in a seventh document in the September 27, 1999, **Federal Register**.

The final rule described here is the eighth and final in the series of proposed, supplemental, and final rulemaking documents for migratory game bird hunting regulations for 1999–2000 and deals specifically with amending subpart K of 50 CFR part 20 to set hunting seasons, hours, areas, and limits for species subject to late-season regulations and those for early seasons that States previously deferred.

NEPA Consideration

NEPA considerations are covered by the programmatic document, “Final Supplemental Environmental Impact Statement: Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FSSES 88–14),” filed with the Environmental

Protection Agency on June 9, 1988. We published a Notice of Availability in the **Federal Register** on June 16, 1988 (53 FR 22582). We published our Record of Decision on August 18, 1988 (53 FR 31341). Copies are available from the address indicated under the caption **ADDRESSES**.

Endangered Species Act Considerations

As in the past, we design hunting regulations to remove or alleviate chances of conflict between migratory game bird hunting seasons and the protection and conservation of endangered and threatened species. We conducted consultations to ensure that actions resulting from these regulatory proposals will not likely jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of their critical habitat. Findings from these consultations are included in a biological opinion and may have caused modification of some regulatory measures previously proposed. Final frameworks reflect any modifications. The biological opinions resulting from Section 7 consultation are public documents available for inspection in either the Service’s Division of Endangered Species or MBMO, at the address indicated under the caption **ADDRESSES**.

Executive Order (E.O.) 12866

Collectively, the rules covering the overall frameworks for migratory bird hunting are economically significant and have been reviewed by the Office of Management and Budget (OMB) under E.O. 12866. This rule is a small portion of the overall migratory bird hunting frameworks and was not individually submitted and reviewed by OMB under E.O. 12866.

Regulatory Flexibility Act

These regulations have a significant economic impact on substantial numbers of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). We analyzed the economic impacts of the annual hunting regulations on small business entities in detail and issued a Small Entity Flexibility Analysis (Analysis) in 1998. The Analysis documented the significant beneficial economic effect. The primary source of information about hunter expenditures for migratory game bird hunting is the National Hunting and Fishing Survey, which is conducted at 5-year intervals. The Analysis was based on the 1996 National Hunting and Fishing Survey and the U.S. Department of Commerce’s County Business Patterns from which it

was estimated that migratory bird hunters would spend between \$429 and \$1,084 million at small businesses in 1998. Copies of the Analysis are available upon request.

Small Business Regulatory Enforcement Fairness Act

This rule is a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. For the reasons outlined above, this rule has an annual effect on the economy of \$100 million or more. However, because this rule establishes hunting seasons, we do not plan to defer the effective date under the exemption contained in 5 U.S.C. 808(1).

Paperwork Reduction Act

We examined these regulations under the Paperwork Reduction Act of 1995. We utilize the various recordkeeping and reporting requirements imposed under regulations established in 50 CFR Part 20, Subpart K, in the formulation of migratory game bird hunting regulations. Specifically, OMB has approved the information collection requirements of the Migratory Bird Harvest Information Program and assigned clearance number 1018-0015 (expires 09/30/2001). This information is used to provide a sampling frame for voluntary national surveys to improve our harvest estimates for all migratory game birds in order to better manage these populations.

A Federal agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Unfunded Mandates Reform Act

We have determined and certify in compliance with the requirements of the Unfunded Mandates Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State government or private entities.

Civil Justice Reform—Executive Order 12988

The Department, in promulgating this rule, has determined that these regulations meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988.

Takings Implication Assessment

In accordance with Executive Order 12630, these rules, authorized by the Migratory Bird Treaty Act, do not have significant takings implications and do not affect any constitutionally protected property rights. These rules will not result in the physical occupancy of property, the physical invasion of property, or the regulatory taking of any property. In fact, these rules allow hunters to exercise privileges that would be otherwise unavailable; and, therefore, reduce restrictions on the use of private and public property.

Federalism Effects

Due to the migratory nature of certain species of birds, the Federal government has been given responsibility over these species by the Migratory Bird Treaty Act. We annually prescribe frameworks from which the States make selections and employs guidelines to establish special regulations on Federal Indian reservations and ceded lands. This process preserves the ability of the States and Tribes to determine which seasons meet their individual needs. Any State or Tribe may be more restrictive than the Federal frameworks at any time. The frameworks are developed in a cooperative process with the States and the Flyway Councils. This allows States to participate in the development of frameworks from which they will make selections, thereby having an influence on their own regulation. These rules do not have a substantial direct effect on fiscal capacity, change the roles or responsibilities of Federal or State governments, or intrude on State policy or administration. Therefore, in accordance with Executive Order 12612, these regulations do not have significant federalism effects and do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American tribal Governments" (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian

tribes and have determined that there are no effects.

Regulations Promulgation

The rulemaking process for migratory game bird hunting must, by its nature, operate under severe time constraints. However, we intend that the public be given the greatest possible opportunity to comment on the regulations. Thus, when the preliminary proposed rulemaking was published, we established what we believed were the longest periods possible for public comment. In doing this, we recognized that when the comment period closed, time would be of the essence. That is, if there were a delay in the effective date of these regulations after this final rulemaking, the States would have insufficient time to implement their selected season dates and limits and start their seasons in a timely manner.

We therefore find that "good cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, and these regulations will, therefore, take effect immediately upon publication. Accordingly, with each conservation agency having had an opportunity to participate in selecting the hunting seasons desired for its State or Territory on those species of migratory birds for which open seasons are now prescribed, and consideration having been given to all other relevant matters presented, certain sections of title 50, chapter I, subchapter B, part 20, subpart K, are hereby amended as set forth below.

List of Subjects in 50 CFR Part 20

Exports, Hunting, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Dated: September 15, 1999.

Donald J. Barry

Assistant Secretary for Fish and Wildlife and Parks.

PART 20—[AMENDED]

For the reasons set out in the preamble, the Service amends title 50, chapter I, subchapter B, part 20, subpart K as follows:

1. The authority citation for part 20 continues to read as follows:

Authority: 16 U.S.C. 703-712; and 16 U.S.C. 742 a-j.

BILLING CODE 4310-55-P

Note - The following annual regulations provided for by §§20.104, 20.105, 20.106, 20.107, and 20.109 of 50 CFR part 20 will not appear in the Code of Federal Regulations because of their seasonal nature.

CHECK STATE REGULATIONS FOR ADDITIONAL RESTRICTIONS AND DELINEATIONS OF GEOGRAPHICAL AREAS. SPECIAL RESTRICTIONS MAY APPLY ON FEDERAL AND STATE PUBLIC HUNTING AREAS AND FEDERAL INDIAN RESERVATIONS.

2. Section 20.104 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.104 Seasons, limits, and shooting hours for rails, woodcock, and common snipe.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47416).

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Daily bag limit	25 (1)	15 (2)	3	8
Possession limit	25 (1)	30 (2)	6	16
ATLANTIC FLYWAY				
Massachusetts (4)	Sept. 1-Nov. 9	Closed	Oct. 16-Nov. 13 & Nov. 15 only	Sept. 1-Dec. 15
Vermont	Closed	Closed	Oct. 6-Nov. 4	Oct. 6-Dec. 15
MISSISSIPPI FLYWAY				
Louisiana	Sept. 11-Sept. 26 Nov. 13-Jan. 5	Sept. 11-Sept. 26 Nov. 13-Jan. 5	Dec. 18-Jan. 31	Nov. 6-Feb. 20
Tennessee Reelfoot Zone	Nov. 20-Nov. 21 & Dec. 4-Jan. 20	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28
State Zone	Dec. 4-Dec. 9 & Dec. 18-Jan. 20	Closed	Oct. 31-Dec. 14	Nov. 14-Feb. 28

	Sora & Virginia Rails	Clapper & King Rails	Woodcock	Common Snipe
Wisconsin North Zone	Oct. 2-Nov. 30	Closed	Sept. 19-Nov. 2	Oct. 2-Nov. 30
South Zone	Oct. 2-Nov. 30	Closed	Sept. 19-Nov. 2	Oct. 2-Nov. 30
CENTRAL FLYWAY				
New Mexico (16)	Oct. 9-Dec. 17	Closed	Closed	Oct. 9-Jan. 23
PACIFIC FLYWAY				
Arizona (17) North Zone	Closed	Closed	Closed	Oct. 8-Jan. 16
South Zone	Closed	Closed	Closed	Oct. 8-Jan. 16
California	Closed	Closed	Closed	Oct. 2-Jan. 16
Nevada Clark County	Closed	Closed	Closed	Oct. 9-Jan. 22
Rest of State	Closed	Closed	Closed	Oct. 2-Jan. 15
New Mexico	Oct. 9-Dec. 17	Closed	Closed	Oct. 9-Jan. 23
Oregon Zone 1	Closed	Closed	Closed	Oct. 9-Jan. 23
Zone 2	Closed	Closed	Closed	Oct. 9-Jan. 23
Utah	Closed	Closed	Closed	Oct. 2-Jan. 15
Washington East Zone	Closed	Closed	Closed	Oct. 9-Oct. 20 & Oct. 22-Jan. 16
West Zone	Closed	Closed	Closed	Oct. 9-Oct. 20 & Oct. 22-Jan. 16

(1) The bag and possession limits for sora and Virginia rails apply singly or in the aggregate of these species.

(2) All bag and possession limits for clapper and king rails apply singly or in the aggregate of the two species and, unless otherwise specified, the limits are in addition to the limits on sora and Virginia rails in all States. In Connecticut, Delaware, Maryland, and New Jersey, the limits for clapper and king rails are 10 daily and 20 in possession.

* * * * *

(4) In Massachusetts, the sora bag limit is 5 daily and 5 in possession; the Virginia rail bag limit is 10 daily and 10 in possession.

* * * * *

(16) In New Mexico, the rail daily bag and possession limits are 10.

(17) In Arizona, Ashurst Lake in Unit 5B is closed to common snipe hunting.

3. In Section 20.105, paragraphs (a), (b), and (f) are amended by adding the entries for the following States in alphabetical order and paragraph (e) is revised to read as follows:

§20.105 Seasons, limits, and shooting hours for waterfowl, coots, and gallinules.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Shooting and hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers.

(a) Common Moorhens and Purple Gallinules (Atlantic, Mississippi, and Central Flyways)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418). The zones named in this paragraph are the same as those used for setting duck seasons.

	Limits	
	Bag	Possession
<u>ATLANTIC FLYWAY</u>		
Georgia	Nov. 20-Jan. 18	15 30
Virginia	Oct. 6-Oct. 9 & Nov. 17-Jan. 20	15 30
West Virginia Zone 1	Oct. 1-Oct. 16 & Nov. 29-Jan. 20	15 30

	Limits	
	Bag	Possession
<u>West Virginia (cont.) Zone 2</u>		
	Oct. 1-Oct. 16 & Nov. 17-Jan. 8	15 30
<u>MISSISSIPPI FLYWAY</u>		
Louisiana	Sept. 11-Sept. 26 & Nov. 13-Jan. 5	15 30
Michigan North Zone	Oct. 2-Nov. 30	15 30
Middle Zone	Oct. 2-Nov. 30	15 30
South Zone	Oct. 9-Dec. 7	15 30
Minnesota (2)	Oct. 2-Nov. 30	15 30
<u>Tennessee Reelfoot Zone</u>		
	Nov. 20-Nov. 21 & Dec. 4-Jan. 21	15 30
State Zone	Dec. 4-Dec. 9 & Dec. 18-Jan. 23	15 30
<u>Wisconsin North Zone</u>		
	Oct. 2-Nov. 30	5 10
South Zone	Oct. 2-Nov. 30	5 10
<u>PACIFIC FLYWAY</u>		
All States	Seasons are in aggregate with coots and listed in paragraph (e).	

(2) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots, moorhens, and gallinules in the aggregate.

(b) Sea Ducks (scoter, eider, and oldsquaw ducks in Atlantic Flyway)

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418).

Within the special sea duck areas, the daily bag limit is 7 sea ducks of which no more than 4 may be scoters. Possession limits are twice the daily bag limit. These limits may be in addition to regular duck bag limits only during the regular duck season in the special sea duck hunting areas.

	Season Dates		Limits	
	Bag	Possession	Bag	Possession
<u>Maine</u> (1)	7	14		
<u>Maryland</u>	5	10		
<u>Massachusetts</u> (2)	7	14		
<u>North Carolina</u>	7	14		
<u>South Carolina</u>	7	14		
<u>Virginia</u>	7	14		

Note: Notwithstanding the provisions of this part 20, the shooting of crippled waterfowl from a motorboat under power will be permitted in Maine, Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, Delaware, Virginia, and Maryland in those areas described, delineated, and designated in their respective hunting regulations as special sea duck hunting areas.

(1) In Maine, the daily bag limit for eiders is 5.
 (2) In Massachusetts, the daily bag may include no more than 4 eider (1 of which may be a hen) and 4 old squaw. Possession limits are twice the daily bag limit for each species.

(e) Waterfowl, Coots, and Pacific Flyway Seasons for Common Moorhens and Purple Gallinules

Definitions

The Atlantic Flyway: includes Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and West Virginia.

The Mississippi Flyway: includes Alabama, Arkansas, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Tennessee, and Wisconsin.

The Central Flyway: includes Colorado (east of the Continental Divide), Kansas, Montana (Blaine, Carbon, Fergus, Judith Basin, Stillwater, Sweetgrass, Wheatland, and all counties east thereof), Nebraska, New Mexico (east of the

Continental Divide except that the Jicarilla Apache Indian Reservation is in the Pacific Flyway), North Dakota, Oklahoma, South Dakota, Texas, and Wyoming (east of the Continental Divide).

The Pacific Flyway: includes the States of Arizona, California, Colorado (west of the Continental Divide), Idaho, Montana (including and to the west of Hill, Chouteau, Cascade, Meagher, and Park Counties), Nevada, New Mexico (the Jicarilla Apache Indian Reservation and west of the Continental Divide), Oregon, Utah, Washington, and Wyoming (west of the Continental Divide including the Great Divide Basin).

Light Geese: includes lesser snow (including blue) geese, greater snow geese, and Ross' geese.

Dark Geese: includes Canada geese, white-fronted geese, emperor geese, brant (except in California, Oregon, Washington, and the entire Atlantic Flyway) and all other geese except light geese.

ATLANTIC FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (2 hen mallards), 3 scaup, 1 black duck, 1 pintail, 1 canvasback, 1 mottled duck, 2 wood ducks, 2 redheads, and 1 fulvous tree duck. The possession limit is twice the daily bag limit.

Harlequin Ducks: All areas of the Flyway are closed to harlequin duck hunting.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates		Limits	
	Bag	Possession	Bag	Possession
<u>Connecticut Ducks</u> (1):				
North Zone	6	12		
South Zone	6	12		
Mergansers	5	10		
Coots	15	30		
Canada Geese:				
NAP Zone:				
North Zone	2	4		
South Zone	2	4		
(special season)	2	4		
AP Zone	2	4		
Light Geese:				
North Zone	15	30		
South Zone	15	30		
Brant:				
North Zone	2	4		
South Zone	2	4		
Delaware Ducks (2)				
Oct. 1-Oct. 5 & Oct. 29-Nov. 6 & Nov. 22-Jan. 15	6	12		
Oct. 9-Oct. 23 & Nov. 11-Jan. 4	6	12		
Oct. 9-Oct. 16 & Nov. 20-Jan. 20	6	12		
Same as for ducks	5	10		
Same as for ducks	15	30		
Oct. 9-Oct. 23 & Nov. 11-Dec. 11	2	4		
Oct. 9-Oct. 29 & Nov. 20-Dec. 15	2	4		
Jan. 15-Feb. 15	2	4		
Nov. 11-Nov. 27	1	2		
Oct. 9-Feb. 10	15	30		
Oct. 9-Feb. 10	15	30		
Nov. 11-Jan. 7	2	4		
Nov. 24-Jan. 20	2	4		
State Permit Only	1	2		

	Season Dates		Limits	
	Season Dates	Bag	Limits	Possession
Delaware (cont.)				
Mergansers	Same as for ducks	5	10	
Coots	Same as for ducks	15	30	
Canada Geese	Closed	--	--	
Light Geese (3):				
Bombay Hook NWR Zone	Oct. 1-Nov. 6 &	15	--	
	Nov. 8-Nov. 20 &	15	--	
	Nov. 22-Jan. 2 &	15	--	
	Jan. 24-Mar. 10	15	--	
Rest of State				
	Oct. 1-Nov. 6 &	15	--	
	Nov. 22-Jan. 15 &	15	--	
	Jan. 24-Mar. 10	15	--	
	Nov. 24-Jan. 20	2	4	
Brant				
Florida				
Ducks	Nov. 20-Jan. 18	6	12	
Mergansers	Same as for ducks	5	10	
Coots	Same as for ducks	15	30	
Canada Geese (4)	Nov. 20-Jan. 28	2	4	
Light Geese (5)	Nov. 20-Jan. 18	15	--	
Georgia				
Ducks	Nov. 20-Jan. 18	6	12	
Mergansers	Same as for ducks	5	10	
Coots	Same as for ducks	15	30	
Canada Geese (special season) (6)	Nov. 20-Jan. 28	State Permit Only		
Light Geese	Same as for ducks	2	4	
Brant	Closed	--	--	
Maine				
Ducks (7):				
North Zone	Oct. 1-Nov. 27	4	8	
South Zone	Oct. 1-Oct. 16 &	4	8	
	Nov. 8-Dec. 18	4	8	
Mergansers	Same as for ducks	5	10	
Coots	Same as for ducks	15	30	
Canada Geese:				
North Zone	Oct. 1-Nov. 18	2	4	
South Zone	Oct. 1-Oct. 16 &	2	4	
Light Geese	Nov. 8-Dec. 7	2	4	
Brant	Oct. 1-Jan. 31	15	--	
	Oct. 1-Nov. 27	2	4	
Maryland				
Ducks (8)				
	Oct. 9-Oct. 16 &	5	10	
	Nov. 5-Nov. 26 &	5	10	
	Dec. 13-Jan. 20	5	10	
Mergansers	Same as for ducks	5	10	
Coots	Same as for ducks	15	30	
Maryland (cont.)				
Canada Geese:				
Western (SJBFP) Zone				
(special season)				
Light Geese (9)				
Closed				
Nov. 15-Nov. 26 &		2	4	
Dec. 13-Jan. 14		2	4	
Jan. 15-Feb. 15		3	6	
Oct. 16-Nov. 26 &		15	--	
Dec. 6-Jan. 31 &		15	--	
Feb. 2-Mar. 10		15	--	
Nov. 9-Nov. 26 &		2	4	
Dec. 13-Jan. 20		2	4	
Brant				
Massachusetts				
Ducks (10):				
Western Zone				
Central Zone				
Coastal Zone				
Mergansers				
Coots				
Same as for ducks				
Canada Geese:				
NAP Zone				
Oct. 14-Nov. 27 &		2	4	
Dec. 16 only		2	4	
Jan. 15-Feb. 5		5	10	
Nov. 11-Nov. 27		1	2	
Light Geese:				
AP Zone				
Western Zone				
Central Zone				
Coastal Zone				
Same as for ducks				
Same as for ducks &				
Jan. 15-Feb. 5				
Same as for ducks &				
Jan. 15-Feb. 5				
Brant:				
Western & Central Zone				
Coastal Zone				
Closed				
Nov. 18-Jan. 14		2	4	
New Hampshire				
Ducks (11):				
Inland Zone				
Coastal Zone				
Mergansers				
Coots				
Same as for ducks				
Canada Geese:				
Inland Zone				
Coastal Zone				
Light Geese:				
Inland Zone				
Coastal Zone				
Oct. 5-Dec. 19		15	--	
Oct. 6-Jan. 2		15	--	
Brant:				
Oct. 5-Nov. 7 &		6	12	
Nov. 24-Dec. 19		6	12	
Oct. 6-Oct. 24 &		6	12	
Nov. 23-Jan. 2		6	12	
Same as for ducks		5	10	
Same as for ducks		15	30	
Canada Geese:				
Inland Zone				
Coastal Zone				
Oct. 5-Nov. 7 &		2	4	
Nov. 24-Nov. 29		2	4	
Oct. 6-Oct. 24 &		2	4	
Nov. 23-Dec. 13		2	4	
Light Geese:				
Inland Zone				
Coastal Zone				
Oct. 5-Dec. 19		15	--	
Oct. 6-Jan. 2		15	--	

	Season Dates	Bag	Limits	Possession
New Hampshire (cont.)				
Brant:				
Inland Zone	Oct. 5-Nov. 7 &	2	4	4
Coastal Zone	Nov. 24-Dec. 9	2	4	4
	Oct. 6-Oct. 24 &	2	4	4
	Nov. 23-Dec. 23	2	4	4
New Jersey				
Ducks (12):				
North Zone	Oct. 9-Oct. 30 &	6	12	12
South Zone	Nov. 16-Jan. 1	6	12	12
Coastal Zone	Oct. 16-Oct. 30 &	6	12	12
	Nov. 9-Jan. 1	6	12	12
	Oct. 30-Nov. 20 &	6	12	12
	Nov. 23-Jan. 8	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	5	10	10
Canada Geese:				
North Zone	Nov. 16-Nov. 27 &	15	30	30
South Zone	Dec. 29-Jan. 1	1	2	2
Coastal Zone	Nov. 25-Dec. 4 &	1	2	2
	Dec. 27-Jan. 1	1	2	2
	Nov. 25-Nov. 27 &	1	2	2
	Dec. 27-Jan. 8	1	2	2
(special season)	Jan. 15-Feb. 15	5	10	10
Light Geese:				
North Zone	Oct. 9-Jan. 10 &	15	—	—
South Zone	Jan. 15-Feb. 15	15	—	—
Coastal Zone	Nov. 9-Mar. 10	15	—	—
	Oct. 7-Nov. 20 &	15	—	—
	Nov. 23-Jan. 8	15	—	—
	Jan. 15-Feb. 15	15	—	—
Brant:				
North Zone	Oct. 12-Oct. 30 &	2	4	4
South Zone	Nov. 25-Jan. 1	2	4	4
Coastal Zone	Oct. 16-Oct. 30 &	2	4	4
	Nov. 20-Jan. 1	2	4	4
	Oct. 30-Nov. 11 &	2	4	4
	Nov. 25-Jan. 8	2	4	4
New York				
Ducks (13):				
Long Island Zone	Nov. 19-Nov. 28 &	6	12	12
Lake Champlain Zone	Dec. 2-Jan. 20	6	12	12
Northeastern Zone	Oct. 6-Oct. 11 &	6	12	12
	Oct. 23-Dec. 15	6	12	12
	Oct. 2-Nov. 14 &	6	12	12
	Nov. 20-Dec. 5	6	12	12
Southeastern Zone	Oct. 9-Oct. 17 &	6	12	12
Western Zone	Nov. 6-Dec. 26	6	12	12
	Oct. 15-Nov. 28 &	6	12	12
	Dec. 26-Jan. 9	6	12	12
New York (cont.)				
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese:				
Long Island (NAP) Zone	Nov. 19-Nov. 28 &	2	4	4
Lake Champlain (AP) Zone	Dec. 2-Dec. 31	2	4	4
Northeastern (AP) Zone	Nov. 1-Nov. 14 &	1	2	2
	Nov. 20 only	1	2	2
	Nov. 1-Nov. 14 &	1	2	2
	Nov. 20 only	1	2	2
	Nov. 6-Nov. 14 &	1	2	2
	Dec. 21-Dec. 26	1	2	2
	Nov. 6-Nov. 13 &	1	2	2
	Dec. 26-Jan. 1	1	2	2
	Nov. 1-Jan. 9	2	4	4
	Jan. 15-Feb. 15	5	10	10
Light Geese:				
Long Island Zone	Oct. 2-Oct. 24 &	15	—	—
	Nov. 19-Jan. 20 &	15	—	—
	Feb. 19-Mar. 10	15	—	—
	Oct. 6-Dec. 30 &	15	—	—
	Feb. 19-Mar. 10	15	—	—
	Oct. 2-Dec. 26 &	15	—	—
	Feb. 19-Mar. 10	15	—	—
	Oct. 9-Jan. 2 &	15	—	—
	Feb. 19-Mar. 10	15	—	—
	Oct. 15-Jan. 8 &	15	—	—
	Feb. 19-Mar. 10	15	—	—
Brant:				
Long Island Zone	Nov. 19-Nov. 28 &	2	4	4
	Dec. 12-Jan. 20	2	4	4
Lake Champlain Zone	Oct. 9-Nov. 27	2	4	4
Northeastern Zone	Oct. 9-Nov. 27	2	4	4
Southeastern Zone	Oct. 9-Nov. 27	2	4	4
Western Zone	Oct. 9-Nov. 27	2	4	4
North Carolina				
Ducks (14)				
	Oct. 6-Oct. 9 &	6	12	12
	Nov. 8-Nov. 27 &	6	12	12
	Dec. 8-Jan. 20	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese:				
Western Unit	Closed	—	—	—
Light Geese	Oct. 1-Nov. 15	2	4	4
	Oct. 22-Oct. 30 &	15	—	—
	Nov. 17-Mar. 10	15	—	—
Brant	Nov. 8-Nov. 27 &	2	4	4
	Dec. 15-Jan. 20	2	4	4

	Season Dates	Bag	Limits	Possession
<u>Pennsylvania</u> Ducks (15): North Zone	Oct. 9-Nov. 27 & Dec. 21-Jan. 8	6	12	12
South Zone	Oct. 9-Oct. 16 & Nov. 9-Jan. 8	6	12	12
Northwest Zone	Oct. 9-Oct. 23 & Nov. 6-Dec. 30	6	12	12
Lake Erie Zone	Oct. 18-Oct. 30 & Nov. 8-Jan. 1	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese:				
Eastern (AP) Zone	Nov. 20-Nov. 27 & Dec. 31-Jan. 8	1	2	2
Western (SJB) Zone (special season)	Nov. 15-Dec. 30	2	4	4
Pymatuning Zone	Jan. 15-Feb. 15	5	10	10
Light Geese	Nov. 15-Dec. 24	1	2	2
Brant	Nov. 5-Mar. 10 Oct. 9-Dec. 6	15 2	- 4	- 4
<u>Rhode Island</u> Ducks	Oct. 8-Oct. 11 & Nov. 20-Nov. 28 & Dec. 4-Jan. 19	6 6 6	12 12 12	12 12 12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese	Oct. 8-Oct. 11 & Nov. 10-Dec. 15	2	4	4
Light Geese (special season)	Jan. 15-Feb. 15	5	10	10
Brant	Oct. 8-Jan. 19 Nov. 20-Nov. 28 & Dec. 10-Jan. 19	15 2 2	- 4 4	- 4 4
<u>South Carolina</u> Ducks (16)	Nov. 16-Nov. 27 & Dec. 4-Jan. 20	6 6	12 12	12 12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese (special season)	Nov. 16-Nov. 27 & Dec. 4-Jan. 29	5 5	10 10	10 10
Light Geese	Same as for ducks	5	10	10
Brant	Dec. 4-Jan. 20	2	4	4
<u>Vermont</u> Ducks:	Oct. 6-Oct. 11 & Oct. 23-Dec. 15 Oct. 6-Dec. 4	6 6 6	12 12 12	12 12 12
Lake Champlain Zone				
Interior Zone				
<u>Vermont (cont.)</u> Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese	Nov. 1-Nov. 14 & Nov. 20 only	1	2	2
Light Geese	Oct. 6-Dec. 30	15	-	-
Brant	Feb. 19-Mar. 10 Oct. 9-Nov. 27	2	4	4
<u>Virginia</u> Ducks	Oct. 6-Oct. 9 & Nov. 17-Jan. 20	5 5	10 10	10 10
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese:				
Back Bay Area	Closed	-	-	-
Eastern (AP) Zone	Dec. 27-Jan. 1	1	2	2
Western (SJB) Zone (special season)	Dec. 1-Jan. 14 Jan. 15-Feb. 15	2 4	4 8	4 8
Light Geese	Nov. 8-Mar. 10	15	-	-
Brant	Nov. 24-Jan. 20	2	4	4
<u>West Virginia</u> Ducks (17):				
Zone 1	Oct. 1-Oct. 16 & Nov. 29-Jan. 20	6 6	12 12	12 12
Zone 2	Oct. 1-Oct. 16 & Nov. 17-Jan. 8	6 6	12 12	12 12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Canada Geese:				
Zone 1	Oct. 1-Oct. 16 & Nov. 27-Jan. 31	3 3	6 6	6 6
Zone 2	Oct. 1-Oct. 30 & Dec. 11-Jan. 31	3 3	6 6	6 6
Light Geese:				
Zone 1	Same as for Canada geese	5	10	10
Zone 2	Same as for Canada geese	5	10	10
Brant	Nov. 27-Jan. 20	2	-4	-4

(1) In Connecticut, the season is closed for black ducks prior to November 11 in the North Zone and after January 10 in the South Zone.
 (2) In Delaware, the season on black ducks is only open November 22 through January 1.
 (3) In Delaware, the January 24 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.
 (4) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271.
 (5) In Florida, the light goose season is only open north and west of the Suwannee River.
 (6) State permit required.
 (7) In Maine, the season is closed for black ducks October 1 through October 8; in addition to the daily bag limit, 2 additional teal may be taken. A possession limit of 12 ducks is permitted provided it includes 4 or more teal.

(8) In Maryland, the black duck season is closed October 9 through October 16 and November 5 through November 26; and the canvasback season is open only October 2, and December 13 through January 20; in addition to the daily bag, 1 additional teal may be taken.

(9) In Maryland, the February 2 to March 10 snow goose season is open Mondays, Wednesdays, Fridays, and Saturdays only.

(10) In Massachusetts, the season is closed for black ducks November 29 through December 4 and January 3 through January 8 in the Coastal Zone, and November 15 through November 20 in the Western and Central Zones; the daily bag limit may include no more than 4 of any single species in addition to the flyway-wide bag restrictions.

(11) In New Hampshire, the season is closed for black ducks through October 11.

(12) In New Jersey, the daily bag limit for buffleheads is 4.

(13) In New York, the season is closed for black ducks October 12 through October 21 in the Northeastern Zone, November 6 through November 15 in the Southeastern Zone, October 15 through October 24 in the Western Zone, and December 2 through December 11 in the Long Island Zone; the season is closed for scaup December 2 through December 11 in the Long Island Zone; in the Lake Champlain Zone, the daily bag limit may include no more than 4 goldeneyes.

(14) In North Carolina, the season is closed for black ducks October 6 through October 9 and November 8 through November 27.

(15) In Pennsylvania, the season for black ducks is closed November 14 through November 28 in the North Zone, December 19 through January 2 in the South Zone, and November 14 through November 28 in the Northwest Zone.

(16) In South Carolina, the daily bag limit of 6 may not exceed 1 black duck, mottled duck, or female mallard in the aggregate.

(17) In West Virginia, the daily bag limit may include no more than 4 old squaws and the season is closed for scoters, eiders, whistling ducks, and mottled ducks.

MISSISSIPPI FLYWAY
Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 1 pintail, 1 canvasback, 2 reheaders, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.

Merganser Limits: The merganser limits include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Bag	Limits	Possession
Alabama Ducks:				
North Zone	Dec. 11-Dec. 24 & Dec. 26-Jan. 31	6		12
South Zone	Dec. 11-Dec. 24 & Dec. 26-Jan. 31	6		12
Mergansers	Dec. 26-Jan. 31	5		10
Coots	Same as for ducks	15		30
Geese:				
Dark Geese:				
North Zone:	Dec. 28-Jan. 31	2		4
SUBP Zone	Oct. 2-Oct. 17 & Dec. 11-Dec. 24 & Dec. 26-Jan. 31	2		4
Rest of North Zone		2		4

	Season Dates	Bag	Limits	Possession
Alabama (cont.)				
South Zone	Oct. 2-Oct. 17 & Dec. 11-Dec. 24 & Dec. 26-Jan. 31	2		4
Light Geese	Same as for dark geese	5		5
Arkansas Ducks	Nov. 20-Dec. 20 & Dec. 26-Jan. 23	6		12
Mergansers	Same as for ducks	5		10
Coots	Same as for ducks	15		30
Geese:				
Canada (1):				
East Zone	Jan. 8-Jan. 30	2		4
West Zone	Jan. 8-Jan. 23	2		4
White-fronted	Nov. 6-Jan. 30	2		4
Brant	Closed	-		-
Light Geese	Nov. 20-Mar. 5	20		-
Illinois Ducks:				
North Zone	Oct. 7-Dec. 5	6		12
Central Zone	Oct. 23-Dec. 21	6		12
South Zone	Nov. 11-Jan. 9	6		12
Mergansers	Same as for ducks	5		10
Coots	Same as for ducks	15		30
Geese:				
Canada (2):				
North Zone:				
Northern Illinois Quota Zone (2)	Oct. 7-Dec. 18 & Dec. 19-Jan. 5	2		10
Rest of North Zone	same as Northern Illinois Quota Zone	3		10
Central Zone:				
Central Illinois Quota Zone (2)	Oct. 23-Jan. 7 & Jan. 8-Jan. 21	2		10
Rest of Central Zone	same as Central Illinois Quota Zone	3		10
South Zone:				
Southern Illinois Quota Zone (2)(3)	Nov. 26-Jan. 31	2		10
Rest of South Zone	Nov. 26-Jan. 31	2		10
White-fronted:				
North Zone	Oct. 7-Dec. 30	2		4
Central Zone	Oct. 23-Jan. 16	2		4
South Zone	Nov. 26-Feb. 13	2		4
Brant (4)	same as Canada geese	1		2
Light Geese:				
North Zone	Oct. 7-Dec. 30 & Feb. 19-Mar. 10	20		-
Central Zone	Oct. 23-Dec. 25 & Jan. 29-Mar. 10	20		-
South Zone	Nov. 26-Mar. 10	20		-

	Season Dates	Bag	Limits	Possession
Indiana				
Ducks:				
North Zone	Oct. 16-Dec. 5 & Dec. 18-Dec. 26	6	12	12
South Zone	Oct. 23-Oct. 29 & Nov. 20-Jan. 11	6	12	12
Ohio River Zone	Oct. 30-Oct. 31 & Nov. 27-Jan. 23	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada (2):				
North Zone:				
SJBP Area	Oct. 16-Oct. 18 & Nov. 20-Dec. 21	2	4	4
Rest of North Zone	Oct. 16-Oct. 24 & Nov. 20-Jan. 5	2	4	4
South Zone:				
Posey County (2)	Nov. 27-Jan. 31	2	4	4
Rest of South Zone	Oct. 23-Oct. 25 & Dec. 4-Jan. 25	2	4	4
Ohio River Zone:				
Posey County (2)	Nov. 27-Jan. 31	2	4	4
Rest of Ohio River Zone	Dec. 7-Jan. 31	2	4	4
White-fronted and Brant	Oct. 16-Jan. 30	1	2	2
Light Geese	Oct. 16-Jan. 30	20	-	-
Iowa				
Ducks:				
North Zone	Sept. 18-Sept. 22 & Oct. 16-Dec. 9	6	12	12
South Zone	Sept. 18-Sept. 22 & Oct. 16-Dec. 9	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada Geese:				
North Zone	Oct. 2-Dec. 10	2	4	4
South Zone	Oct. 2-Oct. 10 & Oct. 16-Dec. 15	2	4	4
White-fronted:				
North Zone	Same as Canada geese	2	4	4
South Zone	Same as Canada geese	2	4	4
Brant:				
North Zone	Same as Canada geese	2	4	4
South Zone	Same as Canada geese	2	4	4
Light Geese	Oct. 2-Dec. 26 & Feb. 19-Mar. 10	20	-	-
Kentucky				
Ducks:				
West Zone	Nov. 25-Jan. 23	6	12	12
East Zone	Nov. 25-Jan. 23	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada (2):				
Western Goose Zone (2):				
Fulton County	Dec. 4-Feb. 15	2	4	4
Rest of Zone	Dec. 4-Jan. 31	2	4	4
Pennyroyal/Coalfield Zone	Dec. 28-Jan. 31	2	4	4
Rest of State	Dec. 13-Jan. 31	2	4	4
White-fronted	Nov. 25-Jan. 31	2	4	4
Brant	Same as White-fronted	2	4	4
Light Geese	Nov. 25-Mar. 10	20	-	-
Louisiana				
Ducks:				
West Zone	Nov. 13-Nov. 28 & Dec. 11-Jan. 23	6	12	12
East Zone:				
Catahoula Lake Area	Nov. 13-Nov. 28 & Dec. 11-Jan. 23	6	12	12
Rest of East Zone	Nov. 13-Nov. 28 & Dec. 11-Jan. 23	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada (5)	Jan. 18-Jan. 26	1	2	2
White-fronted and Brant:				
West Zone	Nov. 13-Feb. 6	2	4	4
East Zone	Oct. 30-Jan. 23	2	4	4
Light Geese:				
West Zone	Nov. 13-Feb. 27	20	-	-
East Zone	Oct. 30-Feb. 13	20	-	-
Michigan				
Ducks (6):				
North Zone	Oct. 2-Nov. 30	6	12	12
Middle Zone	Oct. 2-Nov. 30	6	12	12
South Zone	Oct. 9-Dec. 7	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada (2):				
North Zone	Sept. 19-Oct. 3	2	4	4
Middle Zone	Sept. 19-Oct. 3	2	4	4

	Limits		Season Dates	Limits		Possession
	Bag	Possession		Bag	Possession	
Michigan (cont.)						
South Zone:						
Muskegon Wastewater Goose Management Unit (GMU) (2)	2	4	Oct. 23-Nov. 13			
Allegan County GMU (2)	1	2	Oct. 16 only & Oct. 23-Nov. 11			
Saginaw County GMU (2)	1	2	Oct. 9-Nov. 27			
Tuscola/Huron GMU (2)	1	2	Oct. 9-Nov. 27			
Southern Michigan GMU (special season)	2	4	Sept. 19-Oct. 3			
Central Michigan GMU (special season)	2	4	Jan. 8-Feb. 6			
White-fronted and Brant Light Geese	5	10	Sept. 19-Oct. 3			
	5	10	Jan. 8-Feb. 6			
	2	4	See Footnote 7			
	10	30	See Footnote 7			
Minnesota						
Ducks	6	12	Oct. 2-Nov. 30			
Mergansers	5	10	Same as for ducks			
Coots (8)	15	30	Same as for ducks			
Geese:						
Canada (2):						
West Zone:						
Lac qui Parle Zone (2)	1	2	Oct. 9-Nov. 7			
Rest of West Central Zone (Special season)	1	2	Oct. 9-Nov. 7			
Rest of West Zone (Special season)	5	10	Oct. 2-Nov. 10			
Northwest Zone (Special season)	1	2	Dec. 11-Dec. 20			
Southeast Zone (special season)	2	4	Oct. 2-Nov. 10			
Rest of State (special season)	2	4	Dec. 11-Dec. 20			
White-fronted (9)	5	10	Oct. 2-Dec. 20			
Brant (9)	2	4	Dec. 11-Dec. 20			
Light Geese (9)	1	2	Oct. 2-Dec. 20			
	10	20	Oct. 2-Dec. 20			
Mississippi						
Ducks:						
Nov. 26-Nov. 28 & Dec. 11-Dec. 22 & Dec. 26-Jan. 30	6	12	Nov. 26-Nov. 28 & Dec. 11-Dec. 22 & Dec. 26-Jan. 30			
Same as for ducks	6	12	Same as for ducks			
Same as for ducks	5	10	Same as for ducks			
Same as for ducks	15	30	Same as for ducks			
Nov. 23-Jan. 31	3	6	Nov. 23-Jan. 31			
Nov. 20-Feb. 13	2	4	Nov. 20-Feb. 13			
Nov. 25-Mar. 10	20	--	Nov. 25-Mar. 10			
Mergansers						
Coots						
Geese:						
Canada						
White-fronted and Brant	3	6	Nov. 23-Jan. 31			
Light Geese	20	--	Nov. 25-Mar. 10			
Missouri						
Ducks and Mergansers (10):						
North Zone						
Middle Zone						
South Zone						
Coots	6	12	Oct. 23-Dec. 21			
Geese:	6	12	Oct. 30-Dec. 28			
Same as for ducks	15	30	Nov. 13-Jan. 11			
Same as for ducks			Same as for ducks			
Canada:						
North Zone:						
Swan Lake Zone	2	4	Oct. 23-Oct. 31 & Nov. 20-Dec. 30			
Rest of North Zone	2	4	Oct. 2-Oct. 18 & Nov. 6-Nov. 28 & Dec. 18-Jan. 16			
Middle Zone:						
Southeast Zone	3	6	Oct. 2-Oct. 11 & Nov. 13-Nov. 28 & Dec. 18-Jan. 30			
Rest of Middle Zone	2	4	Dec. 18-Jan. 30			
South Zone	2	4	Oct. 2-Oct. 11 & Nov. 13-Nov. 28 & Dec. 18-Jan. 30			
White-fronted:						
North Zone:						
Swan Lake Zone	2	4	Oct. 23-Oct. 31 & Nov. 20-Jan. 30			
Rest of North Zone	2	4	Oct. 2-Oct. 18 & Nov. 6-Nov. 28 & Dec. 18-Jan. 16			
Middle Zone:						
Southeast Zone	2	4	Nov. 13-Jan. 30			
Rest of Middle Zone	2	4	Oct. 2-Oct. 18 & Nov. 6-Nov. 28 & Dec. 18-Jan. 16			
South Zone	2	4	Nov. 13-Jan. 30			
Brant	2	4	Same as Canada geese			
Light Geese:						
North Zone:						
Swan Lake Zone	20	--	Nov. 20-Mar. 4			
Rest of North Zone	20	--	Nov. 6-Jan. 16 & Feb. 5-Mar. 9			
Middle Zone:						
Southeast Zone	20	--	Nov. 25-Mar. 9			
Rest of Middle Zone	20	--	Nov. 6-Jan. 16 & Feb. 5-Mar. 9			
South Zone	20	--	Nov. 25-Mar. 9			

	Season Dates	Bag	Limits	Possession
Wisconsin (cont.)				
Geese:				
Canada (2):				
Honcon Zone	Sept. 18-Dec. 21			Tag System—See State Regulations
Collins Zone	Sept. 18-Nov. 19 & Nov. 25-Dec. 3			Tag System—See State Regulations
Exterior Zone:				
Rock Prairie Subzone	Sept. 25-Dec. 17	1	2	2
Mississippi River Subzone	Oct. 2-Dec. 20	1	2	2
Brown County Subzone	Sept. 25-Dec. 27	1	2	2
Rest of Exterior Zone:				
North Duck Zone	Sept. 25-Dec. 27	1	2	2
South Duck Zone	Sept. 25-Dec. 27	1	2	2
White-fronted and Brant	Same as Canada geese	1	2	2
Light Geese	Same as Canada geese	10	20	20
Tennessee				
Ducks:				
Reelfoot Zone	Nov. 20-Nov. 21 & Dec. 4-Jan. 21	6	12	12
State Zone	Dec. 4-Dec. 9 & Dec. 18-Jan. 31	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada (2)(11):				
Northwest Zone (2)	Dec. 4-Feb. 15	2	4	4
Southwest Zone	Dec. 4-Jan. 31	2	4	4
Kentucky/Barkley Lakes Zone (2)	Dec. 13-Jan. 31	2	4	4
Rest of State (11)	Oct. 2-Oct. 10 & Dec. 2-Jan. 31	2	4	4
White-fronted	Nov. 22-Feb. 15	2	4	4
Brant	Dec. 2-Jan. 31	2	4	4
Light Geese	Nov. 20-Mar. 5	10	30	30
Wisconsin				
Ducks:				
North Zone	Oct. 2-Nov. 30	6	12	12
South Zone	Oct. 2-Nov. 30	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	5	10	10

(1) In Arkansas, shooting hours for Canada geese are one-half hour before sunrise to noon.

(2) Harvest of Canada geese will be limited by quotas established in the September 27, 1999, Federal Register. When it has been determined that the quota of Canada geese allotted to the Northern Illinois, Central Illinois, Southern Illinois and Rend Lake Quota Zones in Illinois, Posey County in Indiana, the Ballard and Henderson-Union Subzones in Kentucky, the Allegan County, Muskegon Wastewater, Saginaw County, and Tuscola/Huron Goose Management Units in Michigan, the Lac Qui Parle Zone in Minnesota, the Northwest and Kentucky/Barkley Lakes Zones in Tennessee, and the Exterior Zone in Wisconsin will have been filled, the season for taking Canada geese in the respective zone (and associated area, if applicable) will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.

(3) In Illinois, shooting hours for geese in the Southern Illinois and Rend Lake Quota Zones through January 28 shall close at 3 p.m., except that if the Canada goose season closes early due to the quota being reached, shooting hours for all other geese shall close at sunset beginning the day after Canada goose season closes.

(4) In Illinois, brant season will close with Canada goose seasons if the season closes early due to the quota being reached.

(5) In Louisiana, during the Canada goose season, a special permit is required by the State.

(6) In Michigan, the daily bag limit includes no more than 1 hen mallard.

(7) In Michigan, the seasons for white-fronted geese, brant, and light geese are as follows: In the Allegan County GMU and the Muskegon Wastewater GMU, the season runs concurrently with the Canada goose season. In the remainder of the State, the seasons open concurrently with the duck seasons and run continuously through the end of the duck seasons.

(8) In Minnesota, the daily bag limit is 15 and the possession limit is 30 coots and moorhens in the aggregate.

(9) In Minnesota, in the Lac Qui Parle Zone, seasons for white-fronted geese, brant, and light geese are open only when the Canada goose season is open.

(10) In Missouri, the daily bag limit may include no more than 5 mergansers (only 1 of which may be hooded).

(11) In Tennessee, see State regulations for permit requirements and additional restrictions.

CENTRAL FLYWAY

Flyway-wide Restrictions

Duck Limits: The daily bag limit of 6 ducks may include no more than 5 mallards (2 female mallards), 1 mottled duck, 1 pintail, 2 redheads, 1 canvasback, 3 scaup, and 2 wood ducks. The possession limit is twice the daily bag limit.
Merganser Limits: The daily bag limit is 5 mergansers with 10 in possession and may include no more than 1 hooded merganser daily and 2 in possession.

	Season Dates	Bag	Limits	Possession
Colorado				
Ducks	Oct. 2-Oct. 19 & Oct. 30-Nov. 28 & Dec. 6-Jan. 23 Same as for ducks Same as for ducks	6 6 6 15 5		12 12 12 30 10
Coots				
Mergansers				
Dark Geese:				
Northern Front Range Unit	Oct. 2-Oct. 10 & Oct. 30-Feb. 3	5 5		10 10
South Park/San Luis Valley Unit (1)	Oct. 2-Oct. 10 & Oct. 30-Feb. 3	2 2		4 4
North Park Unit (1)	Oct. 2-Oct. 10 & Oct. 30-Feb. 3	2 2		4 4
Arkansas Valley Unit (2)	Oct. 30-Feb. 3	5		10
Pueblo County	Nov. 13-Feb. 3	5		10
Rest of State in Central Flyway	Dec. 11-Feb. 3 Oct. 30-Feb. 3	2 5		4 10
Light Geese:				
Northern Front Range Unit	Oct. 30-Feb. 3	20		-
South Park/San Luis Valley Unit (1)	Oct. 30-Feb. 3	2		4
North Park Unit (1)	Oct. 30-Feb. 3	2		4
Arkansas Valley Unit (2)	Nov. 13-Feb. 3	20		-
Pueblo County	Oct. 30-Feb. 3	20		-
Eastern Colorado Late Light Geese Unit	Oct. 30-Feb. 3 & Feb. 26-Mar. 6	20 20		- -
Rest of State in Central Flyway	Oct. 30-Feb. 3	20		-
Kansas				
Ducks (3):				
High Plains	Oct. 2-Jan. 2 & Jan. 20-Jan. 23	6 6		12 12
Low Plains:				
Early Zone	Oct. 9-Dec. 12 & Dec. 25-Jan. 2	6 6		12 12
Late Zone	Oct. 23-Oct. 31 & Nov. 6-Jan. 9	6 6		12 12
Mergansers	Same as for ducks	5		10
Coots	Same as for ducks	15		30

Season Dates

Bag

Limits

	Season Dates	Bag	Limits	Possession
Kansas (cont.)				
Dark Geese (4):				
Canada	Nov. 6-Feb. 6	3		6
White-fronted	Nov. 6-Jan. 30	2		4
Light Geese:				
Zone 1	Nov. 25-Mar. 10	20		-
Zone 2	Nov. 6-Nov. 28 & Dec. 18-Mar. 10	20 20		- -
Montana				
Ducks and Mergansers (5):				
Zone 1	Oct. 2-Jan. 6	6		12
Zone 2	Oct. 2-Jan. 6	6		12
Mergansers	Same as for ducks	5		10
Coots	Same as for ducks	15		30
Dark Geese	Oct. 2-Jan. 15	4		8
Light Geese	Oct. 2-Jan. 15	5		10
Nebraska				
Ducks:				
High Plains	Oct. 2-Dec. 13 & Dec. 17-Jan. 9	6 6		12 12
Low Plains:				
Zones 1 and 2	Oct. 9-Dec. 19 & Dec. 25-Dec. 26	6 6		12 12
Zones 3 and 4	Oct. 2-Dec. 12 & Dec. 18-Dec. 19	6 6		12 12
Mergansers	Same as for ducks	5		10
Coots	Same as for ducks	15		30
Canada:				
North Unit	Oct. 23-Jan. 23 & Jan. 29-Jan. 30	3 3		6 6
East Unit	Oct. 2-Oct. 3 & Oct. 9-Jan. 9	3 3		6 6
North Central Unit	Oct. 2-Jan. 2 & Jan. 8-Jan. 9	3 3		6 6
South Central Unit	Oct. 23-Jan. 23 & Jan. 29-Jan. 30	3 3		6 6
White-fronted Light Geese:	Jan. 29-Jan. 30 Oct. 2-Dec. 26	3 2		6 4
Rainwater Basin Area - East (6)	Oct. 9-Dec. 16 & Feb. 3-Mar. 10	20 20		- -
Rainwater Basin Area - West (6)	Oct. 9-Dec. 16 & Feb. 3-Mar. 10	20 20		- -
Rest of State	Oct. 9-Dec. 16 & Feb. 3-Mar. 10	20 20		- -

	Season Dates	Bag	Limits	Possession
New Mexico				
Ducks and Mergansers (5):				
North Zone	Oct. 9-Oct. 31 & Nov. 11-Jan. 23	6	12	12
South Zone	Oct. 19-Jan. 23	6	12	12
Coots	Same as for ducks	15	30	30
Dark Geese (7):				
Middle Rio Grande Valley Unit	Dec. 25-Jan. 2	1	1	1
Rest of State	Oct. 16-Jan. 30	4	8	8
Light Geese	Nov. 6-Feb. 20	20	80	80
North Dakota				
Ducks:				
Statewide	Oct. 2-Dec. 12	6	12	12
High Plains	Dec. 13-Jan. 2	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada Geese (8):				
Sept. Canada Goose Unit	Oct. 2-Dec. 31	3	6	6
Rest of State	Oct. 2-Jan. 2	3	6	6
White-fronted (8)	Oct. 2-Dec. 12	2	4	4
Light Geese (8)	Oct. 2-Jan. 2	20	-	-
Oklahoma				
Ducks:				
High Plains	Oct. 9-Jan. 13	6	12	12
Low Plains:				
Zone 1	Oct. 30-Dec. 5 & Dec. 11-Jan. 16	6	12	12
Zone 2	Nov. 6-Dec. 5 & Dec. 11-Jan. 23	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
Canada	Nov. 6-Dec. 5 & Dec. 11-Feb. 13	3	6	6
White-fronted	Nov. 6-Dec. 5 & Dec. 11-Feb. 4	2	4	4
Light Geese	Nov. 6-Dec. 5 & Dec. 11-Feb. 13 & Feb. 19-Mar. 1	20	-	-
South Dakota				
Ducks:				
High Plains	Oct. 2-Jan. 6	6	12	12
Low Plains:				
North Zone	Oct. 2-Dec. 14	6	12	12
Middle Zone	Oct. 2-Dec. 14	6	12	12
South Zone	Oct. 9-Dec. 21	5	10	10
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
South Dakota (cont.)				
Geese:				
White-fronted	Oct. 2-Dec. 26	2	4	4
Canada:				
Unit 1	Oct. 2-Dec. 31	3	6	6
Power Plant Area	Oct. 2-Nov. 30 & Dec. 1-Dec. 31	3	6	6
Beadle County	Oct. 2-Dec. 31	2	4	4
Unit 2	Oct. 9-Jan. 11	1	2	2
Unit 3	Oct. 9-Jan. 11	3	6	6
Light Geese	Oct. 2-Dec. 26 & Feb. 19-Mar. 10	20	-	-
Unit 20		20	-	-
Texas				
Ducks:				
High Plains	Oct. 23-Oct. 26 & Oct. 30-Jan. 23	6	12	12
Low Plains:				
North Zone	Oct. 30-Oct. 31 & Nov. 13-Jan. 23	6	12	12
South Zone	Oct. 30-Nov. 28 & Dec. 11-Jan. 23	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Geese:				
East Tier:				
Canada and brant	Oct. 30-Jan. 23 & Jan. 24-Feb. 1	1	2	2
White-fronted	Oct. 30-Jan. 23	2	4	4
Light Geese	Oct. 30-Feb. 13	20	-	-
West Tier:				
Dark Geese:				
Canada	Oct. 30-Feb. 13	5	10	10
White-fronted	Oct. 30-Feb. 13	5	10	10
Light Geese	Oct. 30-Feb. 13	20	-	-
Wyoming				
Ducks:				
Zone 1	Oct. 2-Oct. 24 & Oct. 30-Jan. 11	6	12	12
Zone 2	Oct. 2-Jan. 6	6	12	12
Mergansers	Same as for ducks	5	10	10
Coots	Same as for ducks	15	30	30
Dark Geese:				
Area 1	Oct. 2-Jan. 15	5	10	10
Area 2 (9)	Oct. 18-Jan. 31	5	10	10
Area 3	Oct. 2-Jan. 15	5	10	10
Area 4 (9)	Nov. 13-Jan. 31	5	10	10
Light Geese	Oct. 2-Dec. 26 & Feb. 19-Mar. 10	10	40	40

- (1) In Colorado, in the North Park and South Park/San Luis Valley Units, the bag limit for the October 30 through February 3 and October 30 through February 3 periods, respectively, are 2 geese. The possession limit is twice the daily bag limit.
- (2) In Colorado, in the Arkansas Valley Unit, shooting hours are one-half hour before sunrise to noon November 13 through November 26.
- (3) In Kansas, the daily bag limit may include no more than 2 scaup and 1 hen mallard.
- (4) In Kansas, see State regulations for additional restrictions.
- (5) In Montana and New Mexico, the daily bag limit for ducks and mergansers may include no more than 5 mergansers (1 hooded).
- (6) In Nebraska, see State regulations for additional restrictions during February 3 through March 10.
- (7) In New Mexico, the season for dark geese is closed in Bernalillo, Sandoval, Sierra, Sorocco, and Valencia Counties.
- (8) In North Dakota, the shooting hours for geese are one-half hour before sunrise to 1 p.m. through October 30 and until 2 p.m. the remainder of the season, except that October 9 through January 2, shooting hours are one-half hour before sunrise to sunset on Saturdays and Wednesdays.
- (9) In Wyoming, the shooting hours for dark geese in Goshute County are one-half hour before sunrise to 1 p.m., except on all Saturdays and Sundays in December and January when shooting hours are until sunset. In Platte County, shooting hours for dark geese in the area east of Interstate Highway 25 and north of Wyoming Highway 160 are 1/2 hour before sunrise to sunset. In the remainder of Platte County, shooting hours for geese are 1/2 hour before sunrise to 1 p.m. except on all Saturdays and Sundays in January when shooting hours are until sunset.

PACIFIC FLYWAY

Flyway-wide Restrictions

Duck and Merganser Limits: The daily bag limit of 7 ducks (including mergansers) may include no more than 2 female mallards, 1 pintail, 2 redheads, 4 scaup, and 1 canvasback. The possession limit is twice the daily bag limit.

Coot and Common Moorhen Limits: Daily bag and possession limits are in the aggregate for the two species.

Goose Limits: Daily bag limits for geese may not exceed 2 white-fronted geese and 3 light geese. The possession limit is twice the daily bag limit.

Aleutian Canada Geese: The season is closed throughout the Flyway.

	Season Dates	Bag	Limits	Possession
Arizona				
Ducks (1):				
North Zone	Oct. 8-Jan. 16	7	14	14
South Zone	Oct. 8-Jan. 16	7	14	14
Coots and moorhens	Same as for ducks	25	25	25
Geese:				
Dark (2):				
GMU 22 & 23	Nov. 15-Jan. 16	3	3	3
GMU 1 & 27	Dec. 3-Dec. 19	3	3	3
Balance of State	Oct. 11-Jan. 16	3	3	3
Light (2):				
GMU 22 & 23	Same as dark geese	3	3	3
Rest of State	Oct. 11-Jan. 16	3	3	3

	Season Dates	Bag	Limits	Possession
California				
Ducks:				
Northeastern Zone	Oct. 9-Jan. 16	7	14	14
Colorado River Zone	Oct. 8-Jan. 16	7	14	14
Southern Zone	Oct. 16-Jan. 23	7	14	14
Southern San Joaquin Valley Zone	Oct. 16-Jan. 23	7	14	14
Balance-of-State Zone	Oct. 16-Jan. 23	7	14	14
Coots and moorhens:				
Northeastern Zone	Same as for ducks	25	25	25
Colorado River Zone	Same as for ducks	25	25	25
Southern Zone	Same as for ducks	25	25	25
Southern San Joaquin Valley Zone	Same as for ducks	25	25	25
Balance-of-State Zone	Same as for ducks	25	25	25
Geese:				
Northeastern Zone:				
Canada Geese	Oct. 9-Jan. 16	3	6	6
Cackling Geese	Oct. 9-Nov. 21	1	2	2
White-fronted Geese	Oct. 9-Nov. 21	2	4	4
Light Geese	Oct. 9-Jan. 16	3	6	6
Colorado River Zone:				
Canada Geese	Oct. 11-Jan. 16	3	6	6
White-fronted Geese	Oct. 11-Jan. 16	3	6	6
Light Geese	Oct. 11-Jan. 16	3	6	6
Southern Zone:				
Dark Geese:				
Canada	Oct. 23-Jan. 23	3	6	6
Cackling Geese	Oct. 23-Jan. 23	1	2	2
White-fronted Geese	Oct. 23-Jan. 23	3	6	6
Light Geese	Oct. 23-Jan. 23	3	6	6
Balance-of-State Zone:				
Dark Geese (3):	Oct. 23-Jan. 23	3	6	6
Canada:				
Del Norte & Humboldt	Closed	-	-	-
Sacramento Valley Area	Closed	-	-	-
San Joaquin Valley Area	Closed	-	-	-
Rest of Zone	Nov. 6-Jan. 23	2	4	4
White-fronted:				
Sacramento Valley Closure	Nov. 6-Dec. 14	2	4	4
Rest of Zone	Nov. 6-Jan. 23	2	4	4
Light Geese	Nov. 6-Jan. 23	3	6	6
Nov. 10-Dec. 9	Nov. 10-Dec. 9	2	4	4
Brant				
Colorado				
Ducks				
Oct. 2-Oct. 17 & Oct. 26-Jan. 23	Oct. 2-Oct. 17 & Oct. 26-Jan. 23	7	14	14
Same as for ducks	Same as for ducks	25	25	25
Coots				
Geese:				
West Central Colorado Unit	Oct. 26-Jan. 23	2	4	4
Rest of State	Oct. 2-Oct. 10 & Oct. 26-Jan. 23	2	4	4

	Limits		Season Dates	Limits	
	Bag	Possession		Bag	Possession
Idaho					
Ducks:					
Zone 1	7	14	Oct. 2-Jan. 15		
Zone 2	7	14	Oct. 2-Jan. 15		
Zone 3	7	14	Oct. 2-Jan. 15		
Coots	25	25	Same as for ducks		
Geese:					
Zone 1 (4):	4	8	Oct. 2-Jan. 8		
Dark	4	8	Oct. 2-Jan. 8		
Light	3	6	Oct. 2-Jan. 8		
Zone 2:	3	6	Oct. 2-Jan. 8		
Dark	3	6	Oct. 2-Jan. 8		
Light	3	6	Oct. 2-Jan. 8		
Zone 3:	3	6	Oct. 2-Jan. 8		
Dark	2	4	Oct. 2-Jan. 8		
Light	3	6	Oct. 2-Jan. 8		
Montana					
Ducks	7	14	Oct. 2-Jan. 15		
Coots	25	25	Same as for ducks		
Geese (5):					
Dark	4	8	Oct. 2-Jan. 9		
Light	3	6	Oct. 2-Jan. 9		
Nevada					
Ducks:					
Lincoln & Clark Counties	7	14	Oct. 9-Jan. 22		
Rest of State	7	14	Oct. 2-Jan. 15		
Coots and moonhens	25	25	Same as for ducks		
Dark Geese:					
Lincoln & Clark Counties	2	4	Nov. 20-Jan. 22		
Scripps/Washoe Lake Zone	3	6	Oct. 23-Jan. 22		
Rest of State	3	6	Oct. 23-Jan. 22		
Light Geese:					
Lincoln & Clark Counties	3	6	Nov. 20-Jan. 22		
Scripps/Washoe Lake Zone	3	6	Oct. 23-Jan. 22		
Rest of State (6)	3	6	Oct. 23-Jan. 22		
New Mexico					
Ducks	7	14	Oct. 9-Jan. 23		
Coots and Moonhens (7)	12	24	Same as for ducks		
Dark Geese:					
North Zone	3	6	Oct. 2-Oct. 31 &		
South Zone	3	6	Nov. 15-Jan. 23		
Light Geese:					
North Zone	2	4	Oct. 16-Jan. 23		
South Zone	1	2	Oct. 2-Oct. 31 &		
North Zone	1	2	Nov. 15-Jan. 23		
South Zone	1	2	Oct. 16-Jan. 23		
Oregon					
Ducks:					
Zone 1:					
Columbia Basin Unit	7	14	Oct. 9-Jan. 23		
Rest of Zone 1	7	14	Oct. 9-Jan. 23		
Zone 2	7	14	Oct. 9-Jan. 23		
Coots	25	25	Same as for ducks		
Geese:					
Northwest General Goose Zone:					
Dark Geese	4	8	Oct. 16-Nov. 14 &		
Light Geese	3	6	Nov. 16-Jan. 23		
Northwest Special Permit Zone (8):					
Dark Geese	4	8	Oct. 23-Nov. 3 &		
Light Geese	4	8	Nov. 24-Jan. 16		
Dusky Canada geese	4	8	Oct. 23-Nov. 3 &		
Light Geese	3	6	Nov. 24-Jan. 16		
Southwest General Zone (9):					
Dark Geese	4	8	Oct. 16-Jan. 23		
Light Geese	3	6	Oct. 16-Jan. 23		
Eastern Zone:					
Klamath, Harney, Lake, and Malheur Counties:					
Dark Geese	4	8	Oct. 9-Jan. 16		
Cackling Canada geese	1	2			
White-fronted geese:					
Lake County	2	4			
Rest of Zone	4	8			
Light Geese	3	6	Oct. 9-Jan. 16		
Remainder of Eastern Zone:					
Dark Geese	4	8	Oct. 16-Jan. 23		
Cackling Canada geese	1	2			
White-fronted geese	4	8			
Light Geese	3	6	Oct. 16-Jan. 23		
Brant	2	4	Nov. 6-Nov. 19		
Utah (10)					
Ducks:					
Zone 1	7	14	Oct. 2-Jan. 15		
Zone 2	7	14	Oct. 2-Jan. 15		
Coots	25	25	Same as for ducks		
Geese:					
Light	3	6	Oct. 2-Jan. 9		
Dark:					
Washington County (11)	3	6	Oct. 9-Jan. 16		
Rest of State	3	6	Oct. 2-Jan. 9		

	Season Dates	Bag	Limits	Possession
Washington Ducks:				
East Zone	Oct. 9-Oct 20 & Oct. 22-Jan. 23	7	14	14
West Zone (12)	Oct. 9-Oct 20 & Oct. 22-Jan. 23	7	14	14
Coots	Same as for ducks	25	25	25
Geese (13):				
Eastern Management Areas 1. and 2 (14)	Oct. 9-Jan. 16	4	8	8
Western Management Area 1: Light Geese	Oct 9-Jan. 16	3	6	6
Dark Geese	Nov. 24-Dec. 22 & Dec. 26-Jan. 16	4	8	8
Western Management Area 2 (15)				
Regular Season Total Geese		4	8	8
Canada geese		4	8	8
Dusky Canada geese		1	per season	
Late-Season Canada Geese	Jan. 22-Mar. 10	4	8	8
Canada geese		4	8	8
Dusky Canada geese		1	per season	
Western Management Area 3	Oct. 9-Jan. 16	4	8	8
Brant (16)	Jan. 8-Jan. 23	2	4	4
Wyoming				
Ducks	Oct. 2-Jan. 15	7	14	14
Coots	Same as for ducks	25	25	25
Dark Geese	Oct. 2-Jan. 8	4	8	8

- (1) In Arizona, the daily limit may include no more than either 2 female mallards or 2 Mexican-like ducks, or 1 of each; and not more than 4 female mallards and Mexican-like ducks, in the aggregate, may be in possession.
- (2) In Arizona, in Yuma County, La Paz County, Game Management Units 13B, 15, and that portion of Unit 16 lying within Mohave County, the bag and possession limit is 3 and 6 for Canada geese and 3 and 6 for light geese, respectively.
- (3) In California, the daily bag limit for cackling geese is 1.
- (4) In Idaho, the season on light geese is closed in Fremont and Teton Counties.
- (5) In Montana, check State regulations for special seasons/exceptions in Freezeout Lake WMA; Canyon Ferry; Flathead, Deer Lodge County; and Missoula County.
- (6) In Nevada, there is no open season on light geese in Ruby Valley within Elko and White Pine Counties, White River Valley of Nye County, and Pahranagat Valley of Lincoln County.
- (7) In New Mexico, the bag limit is 1 common moorhen daily and 2 in possession; there is no open season on the purple gallinule.
- (8) In Oregon, the Northwest Special Permit Zone is closed to all goose hunting, except for designated areas. See State regulations for specific boundary descriptions, times, days, and other conditions of the special permit season.
- (9) In Oregon, that portion of Coos, Curry, and Douglas Counties west of US 101 is closed to all Canada goose hunting.
- (10) In Utah, the shooting hours are 8:00 a.m. to sunset on October 2 in Cache, Salt Lake, Davis, Weber, and Box Elder Counties, and November 6 statewide.

- (11) In Utah, the season in Washington County is for Canada geese only.
 - (12) In Washington, the daily bag limit in the West Zone may include no more than 4 scoters and 4 oldsquaws, with the possession limit twice the daily bag limit. The daily bag and possession limit for harlequins is 1.
 - (13) In Washington, daily bag and possession limits may include no more than 3 and 6 light geese, respectively.
 - (14) In Washington, in State Goose Area 1, hunting is only on Saturdays, Sundays, Wednesdays, and certain holidays. In State Goose Area 2, hunting is everyday. See State regulations for details, including shooting hours.
 - (15) In Washington, see State regulations for specific dates and conditions of permit hunts and closures for Canada geese.
 - (16) In Washington, brant may be hunted in Skagit and Pacific Counties only; see State regulations for specific dates.
- (f) Youth Waterfowl Hunting Day
- The following seasons are open only to youth hunters. Youth Hunters must be accompanied into the field by an adult at least 18 years of age. This adult can not duck hunt but may participate in other open seasons.
- Definition**
- Youth Hunters:** Includes youths 15 years of age or younger.
- NOTE:** The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47416). Bag and possession limits will conform to those set for the regular season.

	Season Dates
ATLANTIC FLYWAY	
Connecticut	
Ducks, mergansers, coots, and geese:	Oct. 2
Statewide	
Florida	
Ducks, mergansers, coots, moorhens, and geese (9)	Jan. 22
Massachusetts	
Ducks, mergansers, and coots:	
Statewide	Oct. 9
New Hampshire	
Ducks, mergansers, coots, and geese:	
Statewide	Oct. 2
North Carolina	
Ducks, mergansers, and coots	Dec. 4

	Season Dates
<p><u>Virginia</u> Ducks, mergansers, coots, moorhens, and gallinules</p>	Oct. 16
<p><u>MISSISSIPPI FLYWAY</u></p>	
<p><u>Arkansas</u> Ducks, mergansers, coots, moorhens, and gallinules</p>	Dec. 21
<p><u>Illinois</u> Ducks, mergansers, coots, and geese (10): North Zone Central Zone South Zone</p>	Oct. 2 Oct. 16 Oct. 30
<p><u>Indiana</u> Ducks, mergansers, coots, moorhens, gallinules, and geese: North Zone South Zone Ohio River Zone</p>	Oct. 9 Nov. 6 Nov. 20
<p><u>Kentucky</u> Ducks, mergansers, coots, and geese: Statewide</p>	Jan. 29
<p><u>Louisiana</u> Ducks, mergansers, coots, moorhens, gallinules, and geese: West Zone East Zone</p>	Dec. 4 Jan. 29
<p><u>Mississippi</u> Ducks, mergansers, coots, moorhens, gallinules, and geese: Statewide</p>	Dec. 4
<p><u>Missouri</u> Ducks, mergansers, coots, and geese: North Zone Middle Zone South Zone</p>	Oct. 16 Oct. 23 Nov. 6
<p><u>Ohio</u> Ducks, mergansers, coots, moorhens, gallinules, and geese: Statewide</p>	Oct. 9
<p><u>Tennessee</u> Ducks, mergansers, and coots: Statewide</p>	Feb. 5
<p><u>CENTRAL FLYWAY</u></p>	
<p><u>Kansas (4)</u> Ducks, dark geese, mergansers and coots High Plains Low Plains Early Zone Late Zone</p>	Sept. 25 Oct. 2 Oct. 16
<p><u>New Mexico</u> Ducks, mergansers, coots, and moorhens North Zone South Zone</p>	Oct. 2 Oct. 9
<p><u>Oklahoma</u> Ducks, mergansers, coots, and dark geese: High Plains Low Plains: Zone 1 Zone 2</p>	Oct. 3 Oct. 24 Oct. 31
<p><u>Texas</u> Ducks, mergansers, and coots: High Plains Low Plains: North South</p>	Oct. 16 Oct. 23 Oct. 23

(4) In Kansas, the adult accompanying the youth must possess any licenses and/or stamps required by law for that individual to hunt waterfowl.

(9) In Florida, the Canada goose season is only open in the Florida waters of Lake Seminole in Jackson County that are south of SR2, north of the Jim Woodruff Dam, and east of SR271, and the light goose season is only open north and west of the Suwannee River.
(10) In Illinois, the daily bag limit for Canada geese is 2.

4. Section 20.106 is amended by adding the entries for the following States in alphabetical order to read as follows:
§20.106 Seasons, limits, and shooting hours for sandhill cranes.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting and Hawking hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Area descriptions were published in the August 27, 1999, Federal Register (63 FR 46124).

Note: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418).

	Season Dates	Limits	
		Bag	Possession
CENTRAL FLYWAY			
Oklahoma (1)	Oct. 30-Jan. 30	3	6
	* * * * *		

(1) Each hunter participating in a regular sandhill crane hunting season must obtain and carry in his possession while hunting sandhill cranes a valid Federal sandhill crane hunting permit available without cost from conservation agencies in the States where crane hunting seasons are allowed. The permit must be displayed to any authorized law enforcement official upon request.

5. Section 20.107 is revised to read as follows:

§20.107 Seasons, limits, and shooting hours for swans.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), shooting and hawking hours, and daily bag and possession limits on the species designated in this section are as follows:

Shooting hours are one-half hour before sunrise until sunset, except as otherwise restricted by State regulations. Hunting is by State permit only.

NOTE: Successful permittees must immediately validate their harvest by that method required in State regulations.

	Season Dates	Limits	
		Bag	Possession
ATLANTIC FLYWAY			
North Carolina	Oct. 19-Jan. 31	1 tundra swan per season	
Virginia	Dec. 1-Jan. 31	1 tundra swan per season	
CENTRAL FLYWAY (1)			
Montana	Oct. 2-Jan. 6	1 tundra swan per season	
North Dakota	Oct. 2-Nov. 28	1 tundra swan per season	
South Dakota	Oct. 2-Nov. 30	1 tundra swan per season	
PACIFIC FLYWAY (1)(2)			
Montana	Oct. 16-Dec. 1	1 swan per season	
Nevada (3) (4)	Oct. 23-Jan. 2	1 swan per season	
Utah (3)	Oct. 2-Dec. 5	1 swan per season	

(1) See State regulations for description of area open to swan hunting.
(2) Any species of swan may be taken.
(3) Harvests of trumpeter swans will be limited by quotas established in the September 27, 1999, Federal Register. When it has been determined that the quota of trumpeter swans allotted to Nevada and Utah will have been filled, the season for taking of any swan species in the respective State will be closed by either the Director upon giving public notice through local information media at least 48 hours in advance of the time and date of closing, or by the State through State regulations with such notice and time (not less than 48 hours) as they deem necessary.
(4) All harvested swans and tags must be checked at the Nevada Division of Wildlife within 5 days of harvest.

6. Section 20.109 is amended by adding the entries for the following States in alphabetical order to read as follows:

§20.109 Extended seasons, limits, and hours for taking migratory game birds by falconry.

Subject to the applicable provisions of the preceding sections of this part, areas open to hunting, respective open seasons (dates inclusive), hawking hours, and daily bag and possession limits for the species designated in this section are prescribed as follows:

Hawking hours are one-half hour before sunrise until sunset except as otherwise restricted by State regulations. Area descriptions were published in the August 27 and September 27 Federal Registers.

Limits: The daily bag limit may include no more than 3 migratory game birds, singly or in the aggregate. The possession limit is twice the daily bag limit.

These limits apply to falconry during both regular hunting seasons and extended falconry seasons - unless further restricted by State regulations. The falconry bag and possession limits are not in addition to regular season limits.

Unless otherwise specified, extended falconry for ducks does not include sea ducks within the special sea duck areas. Although many States permit falconry during the gun seasons, only extended falconry seasons are shown below. Please consult State regulations for details.

NOTE: The following seasons are in addition to the seasons published previously in the August 31, 1999, Federal Register (64 FR 47418)

Extended Falconry Dates

ATLANTIC FLYWAY

Delaware

* * * * *

Ducks, mergansers, and coots

Jan. 28-Mar. 10

Brant

Oct. 29-Nov. 13 &
Jan. 21-Mar. 10

Florida

* * * * *

Ducks and coots

Nov. 1-Nov. 13 &
Feb. 1-Feb. 28

Georgia

Sea Ducks

Nov. 13-Nov. 19 &
Jan. 19-Feb. 18

Ducks, mergansers, gallinules,
and coots

Nov. 13-Nov. 19 &
Jan. 19-Feb. 18

Maine

Ducks, mergansers, and coots (4):
North Zone

Nov. 29-Feb. 1

South Zone

Dec. 27-Feb. 29

Maryland

* * * * *

Ducks

Oct. 1-Oct. 8 &
Feb. 4-Mar. 10

Brant

Jan. 21-Mar. 10

Extended Falconry Dates

Massachusetts

Ducks, mergansers, and coots:
Western Zone

Oct. 6-Oct. 11 &
Dec. 19-Jan. 20

Central Zone

Oct. 6-Oct. 13 &
Nov. 28-Dec. 15 &
Jan. 9-Jan. 20

Coastal Zone

Oct. 6-Oct. 13 &
Oct. 31-Nov. 17 &
Jan. 9-Jan. 20

New Hampshire

Ducks, mergansers, and coots:
Inland Zone

Nov. 8-Nov. 23 &
Dec. 20-Jan. 18

Coastal Zone

Jan. 25-Mar. 10

New Jersey

Woodcock:
North Zone

Oct. 1-Oct. 18 &
Nov. 12-Jan. 15

South Zone

Oct. 1-Nov. 12 &
Nov. 28-Dec. 16 &
Dec. 27-Jan. 15

Ducks:
North Zone

Oct. 1-Oct. 8 &
Nov. 1-Nov. 15 &
Jan. 3-Jan. 31

South Zone

Oct. 1-Oct. 15 &
Nov. 1-Nov. 8 &
Jan. 3-Jan. 31

Coastal Zone

Oct. 1-Oct. 29 &
Nov. 22 only &
Jan. 10-Jan. 31

New York

Ducks and coots:
Long Island Zone

Nov. 1-Nov. 18 &
Nov. 28-Dec. 1 &
Jan. 21-Jan. 31

	Extended Falconry Dates	Extended Falconry Dates
<u>New York</u> (cont.)		
Northeastern Zone	Oct. 1 only & Nov. 15-Nov. 19 & Dec. 6-Dec. 31	
Southeastern Zone	Oct. 1-Oct. 8 & Oct. 18-Nov. 5 & Dec. 27-Dec. 31	
Western Zone	Oct. 1-Oct. 14 & Nov. 29-Dec. 25	
<u>Pennsylvania</u>		
Mourning doves	Oct. 7-Oct. 29 & Nov. 29-Dec.11	
Ducks: North Zone	Nov. 29-Dec. 20 & Jan. 10-Feb. 9	
South Zone	Oct. 18-Nov. 8 & Jan. 10-Feb. 9	
Northwest Zone	Oct. 25-Nov. 5 & Dec. 31-Feb. 9	
Lake Erie Zone	Nov. 1-Nov. 6 & Jan. 3-Feb. 17	
Canada Geese: Western Zone	Dec. 31-Jan. 13	
Pymatuning Zone	Dec. 25-Feb. 17	
Brant	Dec. 7-Feb. 10	
<u>South Carolina</u>		
Ducks, mergansers, and coots	Oct. 16-Nov. 15 & Nov. 28-Dec. 3	
<u>Virginia</u>		
Ducks, mergansers, coots, moorhens, and gallinules	Nov. 13-Nov. 16 & Jan. 21-Feb. 29	
<u>Virginia</u> (cont.)		
Canada Geese	Nov. 23-Nov. 30 & Feb. 16-Feb. 29	
Brant	Nov. 8-Nov. 23 & Jan. 21-Mar. 10	
<u>MISSISSIPPI</u> <u>FLYWAY</u>		
<u>Arkansas</u>		
Ducks, mergansers, and coots	Dec. 24-Dec. 25 & Jan. 24-Feb. 20	
<u>Illinois</u>		
Ducks, mergansers, and coots: Statewide	Feb. 10-Mar. 10	
<u>Indiana</u>		
Ducks, mergansers, and coots: North Zone	Sept. 23-Oct. 15 & Dec. 6-Dec. 12	
South Zone	Oct. 14-Oct. 22 & Oct. 30-Nov. 19	
Ohio River Zone	Oct. 26-Oct. 29 & Nov. 1-Nov. 26	
<u>Iowa</u>		
Ducks, mergansers, and coots: Statewide	Dec. 15-Jan. 29	
Dark Geese: North Zone	Dec. 11-Jan. 13	
South Zone	Oct. 11-Oct. 15 & Dec. 16-Jan. 15	
<u>Kentucky</u>		
Ducks, mergansers, and coots: Statewide	Nov. 5-Nov. 24 & Jan. 24-Jan. 31	

	Extended Falconry Dates	Extended Falconry Dates
<u>Kentucky</u> (cont.)		
Canada Geese: Western Goose Zone	Nov. 5-Dec. 3	
Pennroyal/Coalfield Zone	Nov. 5-Dec. 27	
Rest of State	Nov. 5-Dec. 12	
White-fronted geese and brant: Statewide	Nov. 5-Nov. 24	
<u>Michigan</u>	* * * * *	
Ducks, mergansers, coots, and moorhens: North Zone	Sept. 7-Oct. 1 & Dec. 1-Dec. 12 & Mar. 1-Mar. 10	
Middle Zone	Sept. 7-Oct. 1 & Dec. 1-Dec. 12 & Mar. 1-Mar. 10	
South Zone	Sept. 7-Oct. 8 & Dec. 8-Dec. 12 & Mar. 1-Mar. 10	
<u>Minnesota</u>	* * * * *	
Ducks, mergansers, coots, moorhens, and gallinules	Dec. 1-Jan. 15	
<u>Missouri</u>	* * * * *	
Ducks, mergansers, and coots: North Zone	Sept. 11-Sept. 26 & Oct. 13-Oct. 22 & Dec. 22-Jan. 11	
Middle Zone	Sept. 11-Sept. 26 & Oct. 13-Oct. 29 & Dec. 29-Jan. 11	
<u>Missouri</u> (cont.)		
South Zone		Sept. 11-Sept. 26 & Oct. 13-Nov. 12
Ducks, mergansers, and coots: Statewide		Feb. 1-Feb. 29
<u>Tennessee</u>		* * * * *
Ducks, mergansers, and coots: Statewide		Sept. 16-Nov. 4
<u>Wisconsin</u>		
Rails, snipe, moorhens, and gallinules: Statewide		Sept. 1-Oct. 1 & Dec. 1-Dec. 16
Woodcock		Sept. 1-Sept. 24 & Nov. 9-Dec. 16
Ducks, mergansers, and coots: Statewide		Sept. 11-Oct. 1 & Dec. 1-Dec. 6 & Feb. 20-Mar. 10
<u>CENTRAL FLYWAY</u>		
<u>Kansas</u>		
Ducks, mergansers, and coots: Low Plains: Early Zone		Feb. 19-Mar. 5
Late Zone		Feb. 19-Mar. 5
<u>Montana</u> (2)		
Ducks, mergansers, and coots: Zone 1		Sept. 22-Sept. 30 & Oct. 1 only
Zone 2		Sept. 22-Sept. 30 & Oct. 1 only

	Extended Falconry Dates	Extended Falconry Dates
<u>California</u> (cont.)		
White-fronted Geese: Northeastern Zone	Jan. 17-Jan. 22	
Southern Zone	Oct. 16-Oct. 22 & Jan. 24-Jan. 30	
Balance-of-State Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30	
Southern San Joaquin Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30	
Brant Northeastern Zone	Oct. 9-Nov. 9 & Dec. 10-Jan. 22	
Southern Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30	
Balance-of-State Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30	
Southern San Joaquin Zone	Oct. 16-Nov. 9 & Dec. 10-Jan. 30	
Light Geese: Northeastern Zone	Jan. 17-Jan. 23	
Southern Zone	Oct. 16-Oct. 22 & Jan. 24-Jan. 30	
Balance-of-State Zone	Oct. 16-Nov. 5 & Jan. 24-Jan. 30	
<u>Montana</u> (2)		
Geese	Jan. 10-Jan. 15	
<u>New Mexico</u> (2)		
Dark Geese: North Zone	Nov. 8-Nov. 14	
South Zone	Oct. 9-Oct. 15	
<u>New Mexico</u> (cont.) (2)		
Light Geese: North Zone	Nov. 8-Nov. 14	
South Zone	Oct. 9-Oct. 15	
<u>Utah</u>		
Light Geese	Jan. 10-Jan. 15	
Dark Geese: Washington County	Oct. 3-Oct. 8	
Rest of State	Jan. 10-Jan. 15	
<u>Wyoming</u>		
Rails	Nov. 5-Dec. 2	

(2) In Montana and New Mexico, the daily bag limit is 2 and the possession limit is 6.

(4) In Maine, the daily bag and possession limit for black ducks is 1 and 2, respectively.
 (5) In California, the falconry season for Canada geese is closed in Del Norte and Humboldt Area, the Sacramento Valley Area, and in the San Joaquin Valley Area.

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Federal Register

Vol. 64, No. 187

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FEDERAL REGISTER PAGES AND DATES, SEPTEMBER

47649-48074.....	1
48075-48242.....	2
48243-48526.....	3
48527-48700.....	7
48701-48932.....	8
48933-49078.....	9
49079-49348.....	10
49349-49638.....	13
49639-49958.....	14
49959-50244.....	15
50245-50416.....	16
50417-50730.....	17
50731-51038.....	20
51039-51186.....	21
51187-51418.....	22
51419-51670.....	23
51671-51884.....	24
51885-52210.....	27
52211-52422.....	28

CFR PARTS AFFECTED DURING SEPTEMBER

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	273.....	48246, 48933
	274.....	48933
	300.....	49079
	301.....	48245, 49079, 52211, 52213
	400.....	50245
	729.....	48938
	905.....	50419, 51888
	923.....	49349
	924.....	48077
	930.....	50745
	931.....	52214
	947.....	49352
	948.....	48079
	955.....	48243, 52216
	993.....	50426
	1000.....	47898
	1001.....	47898
	1002.....	47898
	1004.....	47898
	1005.....	47898
	1006.....	47898
	1007.....	47898
	1012.....	47898
	1013.....	47898
	1030.....	47898
	1032.....	47898
	1033.....	47898
	1036.....	47898
	1040.....	47898
	1044.....	47898
	1046.....	47898
	1049.....	47898
	1050.....	47898
	1064.....	47898
	1065.....	47898
	1068.....	47898
	1076.....	47898
	1079.....	47898
	1106.....	47898, 48081
	1124.....	47898
	1126.....	47898
	1131.....	47898, 50748
	1134.....	47898
	1135.....	47898
	1137.....	47898
	1138.....	47898
	1139.....	47898
	1220.....	49349
	1448.....	48938
	1735.....	50428
	1924.....	48083
Proposed Rules:		
	51.....	50774
	210.....	48459
	220.....	48459
	225.....	48459
	226.....	48459
	246.....	48115
	354.....	50331
	928.....	48115
	1126.....	51083
	1137.....	50777
5 CFR		
Ch. IV.....	49639	
1204.....	51039	
1205.....	51043	
2634.....	49639	
Proposed Rules:		
1630.....	50012	
7 CFR		
29.....	51887	
56.....	51671	
70.....	51671	
210.....	50735	
215.....	50735	
220.....	50735	
235.....	50735	
245.....	50735	
246.....	48075	
272.....	48246, 48933	

1735.....50476

9 CFR

93.....48258
130.....51421
381.....49640

Proposed Rules:

3.....48568
94.....50014
101.....52247
130.....51477

10 CFR

1.....48942
2.....48942
7.....48942
9.....48942
50.....48942, 51370
51.....48496, 48507, 48942
52.....48942
60.....48942
62.....48942
72.....48259, 48942, 50872,
51187
75.....48942
76.....48942
100.....48942
110.....48942

Proposed Rules:

20.....50015
31.....48333
51.....48117
61.....50778
72.....51270, 51271
73.....49410
430.....52248

11 CFR

9003.....49355
9004.....49355
9008.....49355
9032.....49355
9033.....49355
9034.....49355, 51422
9035.....49355
9036.....49355

12 CFR

Ch. IX.....52148
26.....51673
201.....48274
212.....51673
230.....49846
331.....50429
348.....51673
563f.....51673
615.....49959
795.....49079
917.....52163
925.....52163
930.....52163
940.....52163
954.....52163
955.....52163
958.....52163
965.....52163
966.....52163
980.....52163
1730.....50246

Proposed Rules:

202.....49688
205.....49699
213.....49713
226.....49722
230.....49740
327.....48719

340.....51084
380.....48968

13 CFR

121.....48275
123.....48275

14 CFR

23.....49365, 49367
25.....47649, 51423, 51424
39.....47651, 47653, 47656,
47658, 47660, 47661, 48277,
48280, 48282, 48284, 48286,
49080, 49961, 49964, 49966,
49969, 49971, 49974, 49977,
49979, 50439, 50440, 50442,
50749, 51189, 51190, 51192,
51193, 51195, 51196, 51198,
51199, 51200, 51202, 51205,
51681, 51683, 51684, 51686,
52219, 52221

71.....47663, 47664, 47665,
48085, 48086, 48088, 48089,
48527, 48703, 48897, 49646,
49647, 49648, 49981, 50246,
50247, 50331, 50443, 50445,
51208, 51430, 52121
73.....47665, 48090, 49373,
49374, 49376
91.....51430
97.....49377, 49378, 49649,
51432, 51433
121.....49981

Proposed Rules:

23.....49413
39.....47715, 48120, 48333,
48721, 48723, 490105,
49110, 49112, 49113, 49115,
49413, 49420, 49752, 50016,
50018, 50020, 50022, 50023,
50781, 51479, 51481, 51483,
51484, 51486, 52259, 52260,
52263
71.....47718, 48123, 48459,
49754, 49755, 51273, 51587
1260.....50334
1274.....50334

15 CFR

742.....47666, 49380, 50247
745.....49380
746.....49382
774.....47666, 48956

Proposed Rules:

806.....48568

16 CFR

1051.....48703
1615.....48704
1616.....48704

Proposed Rules:

432.....51087
460.....48024

17 CFR

30.....50248

18 CFR

153.....51209
157.....51209
375.....51209
385.....51222

Proposed Rules:

35.....51933

19 CFR

12.....48091

113.....48528
151.....48528
178.....48528
351.....48706, 50553, 51236
Proposed Rules:
141.....49423

20 CFR

404.....51892
416.....51892

21 CFR

5.....47669, 49383
74.....48288
101.....50445
173.....49981
175.....48290
178.....47669, 48291, 48292
343.....49652
510.....48293, 51241
520.....48295, 48543
522.....48293, 48544
524.....48707, 49082
556.....48295, 48544
558.....48295, 49082, 49383,
49655
876.....51442
1308.....49982

Proposed Rules:

2.....47719
111.....48336
212.....51274
1401.....51275

22 CFR

40.....50751
514.....51894

23 CFR

658.....48957

Proposed Rules:

Ch. I.....47741, 47744, 47746,
47749

24 CFR

35.....50140
91.....50140
92.....50140
200.....50140
203.....50140
206.....50140
280.....50140
291.....50140
511.....50140
570.....50140
572.....50140
573.....50140
574.....50140
576.....50140
582.....50140
583.....50140
585.....50140
761.....49900, 50140
881.....50140
882.....50140
883.....50140
886.....50140
888.....51860
891.....50140
901.....50140
903.....51045
906.....50140
941.....50140
965.....50140
968.....50140

970.....50140
982.....49656, 50140
983.....50140
1000.....50140
1003.....50140
1005.....50140

Proposed Rules:

203.....49958
905.....49924
906.....49932
943.....49942
990.....48572

25 CFR

Proposed Rules:

151.....49756

26 CFR

1.....48545
301.....48547, 51241
602.....51241

Proposed Rules:

1.....48572, 49276, 50026,
50783

27 CFR

1.....49984
4.....49385, 50252, 51896
24.....50252, 51896
200.....49083

Proposed Rules:

4.....50265, 51933
24.....50265, 51933

28 CFR

0.....52223
16.....52223
20.....52223
32.....49954
50.....52223
68.....49659

Proposed Rules:

16.....49117
302.....48336

29 CFR

697.....48525
2700.....48707
4044.....49986, 51587

Proposed Rules:

1926.....51722
2510.....51277

30 CFR

52.....49548, 49636
56.....49548, 49636
57.....49548, 49636
70.....49548, 49636
71.....49548, 49636
290.....50753
904.....50754
936.....52230

Proposed Rules:

206.....50026
901.....48573
914.....50026
918.....49118

32 CFR

321.....49660
701.....49850
1800.....49878
1801.....49878
1802.....49878
1803.....49878

1804.....49878	51702	128.....48136	15.....51830, 51835, 51837,
1805.....49878	272.....49673	129.....48136	51841, 51850
1806.....49878	300.....48964, 50457, 50459,	130.....48136	17.....51842
1807.....49878	50771, 51460, 51709, 52238,	131.....48136	19.....51829, 51830, 51850
2001.....49388	52239	132.....48136	22.....51837
2004.....51854	439.....48103	133.....48136	26.....51830
33 CFR	Proposed Rules:	134.....48136	31.....51843, 51844
100.....50448, 50757, 51047	49.....48725, 48731	151.....48976	36.....51844
110.....49667	51.....50036	170.....48136	37.....51841
117.....49391, 49669, 50253,	52.....47754, 48126, 48127,	174.....48136	42.....51833
51444	48337, 48725, 48731, 48739,	175.....48136	44.....51844
165.....49392, 49393, 49394,	48970, 48976, 49425, 49756,	47 CFR	46.....51845
49667, 49670, 51243, 51897,	50787, 51088, 51278, 51489,	0.....51258	48.....51846
51899, 52232	51493, 51722, 51723, 51937,	1.....51258	49.....51844
Proposed Rules:	51943, 52265	21.....50622	52.....51829, 51830, 51834,
117.....47751	60.....51088	22.....51710	51837, 51842, 51844, 51846,
165.....47752, 49424	62.....48742, 50476, 50787,	24.....51710	51849, 51850
34 CFR	50788, 51496	43.....50002	53.....51830
74.....50390	80.....50036	51.....51910	201.....51074
75.....50390	81.....51723	61.....51258	202.....51074
76.....50390	97.....50041	63.....47699, 50465	204.....51074
77.....50390	148.....48742, 49052	64.....50002, 51462, 51710,	207.....51074
80.....50390	152.....50672	52244	208.....51074
379.....48052	156.....50672	69.....51258	209.....51074
36 CFR	180.....50043, 51723	73.....47702, 48307, 49087,	211.....51074
251.....48959	261.....48742, 49052, 50788	49088, 49090, 49091, 49092,	212.....51074
1254.....48960	264.....49052	49682, 50009, 50010, 50256,	213.....51587
Proposed Rules:	265.....49052	50257, 50622, 50647, 50651,	214.....51074
242.....49278	268.....48742, 49052	50772, 51470	215.....51074
1010.....51488	271.....47755, 48135, 48742,	74.....47702, 50622	219.....51074
1228.....50028	49052, 50050, 51724	76.....50622	223.....51074
37 CFR	272.....49757	90.....50257, 50466, 52121	225.....49683, 51074
1.....48900	300.....50476, 50477, 51496	97.....51471	227.....51074
2.....48900, 51244	302.....48742, 49052	Proposed Rules:	232.....51074
3.....48900	372.....51091	0.....51280	235.....48459, 51074, 51077
6.....48900	403.....47755	1.....49128, 49426, 50265,	236.....51074
201.....49671, 50758	439.....48103	51280	237.....49684, 50872
38 CFR	41 CFR	3.....48337	242.....51074
21.....51901	Proposed Rules:	15.....49128	245.....51074
39 CFR	301-11.....50051	22.....49128, 50265	246.....51074
111.....48092, 50449	301-74.....50051	24.....49128, 50265	249.....51074
Proposed Rules:	42 CFR	25.....49128	250.....51074
776.....48124	413.....51908	26.....49128, 50265	252.....49684, 51074
3001.....50031	Proposed Rules:	27.....49128, 50265	253.....51074
3002.....50031	405.....50482	51.....49426, 51949	552.....48718
3003.....49120	435.....49121	61.....51280	553.....48718
3004.....50031	436.....49121	64.....51949	570.....48718
40 CFR	436.....49121	68.....49426	1616.....51078
9.....50556	440.....49121	69.....51280	1806.....48560
51.....49987	43 CFR	73.....49135, 50055, 50265,	1811.....51078
52.....47670, 47674, 48095,	3400.....52239	50266, 51284, 51285, 51286,	1812.....51078
48297, 48305, 48961, 49084,	3420.....52239	51725	1813.....48560, 51078
49396, 49398, 49400, 49404,	Proposed Rules:	74.....50265	1815.....48560, 51078, 51472
50254, 50759, 50762, 51047,	3830.....48897	76.....49426	1835.....48560
51051, 51445, 51688, 51691,	44 CFR	80.....50265	1837.....51078
51694, 52233, 52378	65.....51067, 51070	87.....50265	1842.....51078
60.....52378	67.....51071	90.....49128, 50265	1847.....51078
62.....47680, 48714, 50453,	72.....51461	95.....49128, 50265	1852.....48560, 51078
50764, 50768, 51447	206.....47697	97.....50265	1872.....48560
80.....49992	45 CFR	100.....49128	Proposed Rules:
81.....51694	Ch. XXII.....49409	101.....49128, 50265	2.....51656
141.....49671, 50556	46 CFR	48 CFR	4.....51656
142.....50556	Proposed Rules:	Ch. 1.....51828, 51850	7.....51656
180.....47680, 47687, 47689,	10.....48136	Ch. 5.....49844	8.....49950
48548, 51060, 51245, 51248,	15.....48136	Ch. 20.....49322	11.....51656
51251, 51451, 51901	90.....48136	1.....51850	13.....51656
262.....52380	98.....48136	5.....51229, 51830	23.....51656
271.....47692, 48099, 49998,	125.....48136	6.....51830, 51832	38.....49950
	126.....48136	7.....51830	52.....51656
	127.....48136	8.....51829, 51830, 51833	212.....49757
		11.....51834	225.....49757
		12.....51829, 51830, 51835	252.....49757
		13.....51830, 51835	49 CFR
		14.....51830, 51837	107.....51912
			171.....50260, 51719, 51912

172.....51912	593.....51922	223.....50394	Proposed Rules:
173.....51912	1000.....47709	62247711, 48324, 48326,	1747755, 48743, 51499
174.....51912	1001.....47709	50772	25.....49056
175.....51912	1004.....47709	63547713, 48111, 48112,	26.....49056
178.....51912	Proposed Rules:	51079	29.....49056
179.....51912	390.....48519	64848965, 50772, 51930,	100.....49278
383.....48104	571.....49135	51931	223.....51725
384.....48104	50 CFR	66048113, 49092, 50263,	224.....51725
390.....48510	17.....48307	51079	600.....48337
393.....47703	2051664, 52124, 52398	67947714, 48329, 48330,	64848337, 48757, 49139,
571.....48562	21.....48565	48331, 48332, 49102, 40103,	49427, 50266
575.....48564, 51920	22.....50467	49104, 49685, 49686, 50264,	697.....47756
581.....49092		50474, 51081, 51720	

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 SEPTEMBER 28, 1999**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Oranges, grapefruit, tangerines, and tangelos grown in—
Florida; published 9-27-99

Tobacco inspection:

Flue-cured tobacco—
Elimination of interference, distraction, and outside influence on tobacco grading; published 9-27-99

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Washington; published 7-30-99

Hazardous waste:

Project XL program; site-specific projects—

University of Massachusetts et al.; university laboratories; published 9-28-99

Superfund program:

National oil and hazardous substances contingency plan—
National priorities list update; published 9-28-99

National priorities list update; published 9-28-99

HEALTH AND HUMAN SERVICES DEPARTMENT**Health Care Financing Administration**

Medicare:

Skilled nursing facilities; prospective payment system and consolidated billing; published 7-30-99

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Oklahoma; published 9-28-99

COMMENTS DUE NEXT WEEK**AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Milk marketing orders:

Texas; comments due by 10-8-99; published 9-21-99

Olives grown in—

California; comments due by 10-4-99; published 8-5-99

Papayas grown in—

Hawaii; comments due by 10-4-99; published 9-2-99

AGRICULTURE DEPARTMENT**Animal and Plant Health Inspection Service**

User fees:

Agricultural quarantine and inspection services; comments due by 10-8-99; published 8-9-99

Correction; comments due by 10-8-99; published 9-16-99

AGRICULTURE DEPARTMENT

Import quotas and fees:

Dairy tariff-rate quota licensing; comments due by 10-4-99; published 8-4-99

COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—
Pollock; comments due by 10-8-99; published 9-29-99

Caribbean, Gulf, and South Atlantic fisheries—

South Atlantic snapper-grouper; comments due by 10-4-99; published 9-3-99

South Atlantic snapper-grouper; comments due by 10-4-99; published 9-3-99

Northeastern United States fisheries—

Atlantic bluefish; comments due by 10-7-99; published 8-23-99

West Coast States and Western Pacific fisheries—

Pacific Coast groundfish; comments due by 10-6-99; published 9-21-99

ENERGY DEPARTMENT

Polygraph examination regulations; comments due by 10-4-99; published 8-18-99

ENERGY DEPARTMENT**Federal Energy Regulatory Commission**

Electric utilities (Federal Power Act):

Depreciation accounting; public utilities and licensees; comments due by 10-4-99; published 8-4-99

Rate schedules filing—

Regional Transmission Organizations; correction; comments due by 10-6-99; published 9-27-99

Practice and procedure:

Designation of corporate officials or other persons to receive service; comments due by 10-4-99; published 8-4-99

ENVIRONMENTAL PROTECTION AGENCY

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

Maryland; comments due by 10-8-99; published 9-8-99

Air quality implementation plans; approval and promulgation; various States:

California; comments due by 10-8-99; published 9-8-99

Massachusetts; comments due by 10-4-99; published 9-2-99

Source-specific plans—

Navajo Nation, AZ; comments due by 10-8-99; published 9-8-99

Navajo Nation, AZ; comments due by 10-8-99; published 9-8-99

Clean Air Act:

Interstate ozone transport reduction—

Connecticut, Massachusetts, and Rhode Island; nitrogen oxides budget trading program; significant contribution and rulemaking findings; comments due by 10-5-99; published 9-15-99

Connecticut, Massachusetts, and Rhode Island; nitrogen oxides budget trading program; significant contribution and rulemaking findings; comments due by 10-5-99; published 9-15-99

Grants and other Federal assistance:

Technical Assistance Program; comments due by 10-8-99; published 8-24-99

Hazardous waste program authorizations:

Louisiana; comments due by 10-4-99; published 9-2-99

Hazardous waste:

Identification and listing—
Exclusions; comments due by 10-4-99; published 8-18-99
Exclusions; comments due by 10-8-99; published 8-24-99

FEDERAL COMMUNICATIONS COMMISSION

Radio frequency devices:

Frequency hopping spread spectrum systems operating in 2.4 GHz band for wider operational bandwidths; comments due by 10-4-99; published 7-20-99

FEDERAL DEPOSIT INSURANCE CORPORATION

Minority and women outreach program-contracting:

Contracting benefits for small disadvantaged businesses; comments due by 10-5-99; published 8-6-99

FEDERAL MARITIME COMMISSION

Tariffs and service contracts:

Shipping Act of 1984—
Service contracts between shippers and ocean common carriers; comments due by 10-4-99; published 8-3-99

HEALTH AND HUMAN SERVICES DEPARTMENT**Food and Drug Administration**

Human drugs, animal drugs, biological products, and devices; foreign establishments registration and listing; comments due by 10-8-99; published 8-9-99

INTERIOR DEPARTMENT Fish and Wildlife Service

Endangered and threatened species:

Bald eagle; comments due by 10-5-99; published 7-6-99

Tidewater goby; comments due by 10-4-99; published 8-3-99

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land

- reclamation plan submissions:
Alabama; comments due by 10-7-99; published 9-7-99
- JUSTICE DEPARTMENT**
Immigration and Naturalization Service
Immigration:
Visa waiver pilot program—Portugal, Singapore, and Uruguay; comments due by 10-4-99; published 8-3-99
- LABOR DEPARTMENT**
Occupational Safety and Health Administration
Safety and health standards:
Nationally recognized testing laboratories; fees; reduction of public comment period on recognition notices; comments due by 10-4-99; published 8-18-99
- LABOR DEPARTMENT**
Pension and Welfare Benefits Administration
Employee Retirement Income Security Act:
Documents furnished to Labor Department Secretary on request; civil penalties assessment;
- comments due by 10-4-99; published 8-5-99
- Plan and summary plan descriptions; superseded regulations removed and other technical amendments; comments due by 10-4-99; published 8-5-99
- POSTAL SERVICE**
Practice and procedure:
Environmental regulations—Floodplain and wetland procedures; comments due by 10-4-99; published 9-2-99
- PRESIDIO TRUST**
Management of Presidio; general provisions, etc.
Environmental quality; comments due by 10-5-99; published 9-23-99
- SOCIAL SECURITY ADMINISTRATION**
Social security benefits and supplemental security income:
Federal old age, survivors, and disability insurance, and aged, blind, and disabled—
Age; clarification as vocational factor;
- comments due by 10-4-99; published 8-4-99
- STATE DEPARTMENT**
Visas; nonimmigrant documentation:
Visa waiver pilot program—Portugal, et al.; comments due by 10-4-99; published 8-3-99
- TRANSPORTATION DEPARTMENT**
Federal Aviation Administration
Airworthiness directives:
Bell; comments due by 10-8-99; published 8-9-99
Boeing; comments due by 10-4-99; published 8-19-99
Bombardier; comments due by 10-4-99; published 9-3-99
Eurocopter France; comments due by 10-4-99; published 8-4-99
Raytheon; comments due by 10-4-99; published 8-20-99
Robinson Helicopter Co.; comments due by 10-4-99; published 8-4-99
Airworthiness standards:
Special conditions—
- GEC-Marconi/Boeing Model 737-800 airplane; comments due by 10-4-99; published 8-18-99
- TRANSPORTATION DEPARTMENT**
National Highway Traffic Safety Administration
Motor vehicle safety standards:
Glazing materials—
Low-speed vehicles, etc.; comments due by 10-4-99; published 8-4-99
- TRANSPORTATION DEPARTMENT**
Research and Special Programs Administration
Pipeline safety:
Gas gathering lines, definition; electronic discussion forum; comments due by 10-8-99; published 7-1-99
- TREASURY DEPARTMENT**
Fiscal Service
Marketable Treasury securities redemption operations; comments due by 10-4-99; published 8-5-99