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Rules and Regulations

Federal Register
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–ACE–45]

Amendment to Class E Airspace; Norfolk, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This action amends Class E airspace area at Norfolk, Karl Stephan Memorial Airport, Norfolk, NE. A review of the Class E airspace area for Karl Stephan Memorial Airport indicates it does not comply with the criteria for 700 feet Above Ground Level (AGL) airspace required for diverse departures as specified in FAA Order 7400.2D. The Class E airspace has been enlarged to conform to the criteria of FAA Order 7400.2D.

The intended effect of this rule is to provide additional controlled Class E airspace for aircraft operating under Instrument Flight Rules (IFR) and comply with the criteria of FAA Order 7400.2D.

DATES: Effective date: 0901 UTC, February 24, 2000.

Comments for inclusion in the Rules Docket must be received on or before December 6, 1999.

ADDRESSES: Send comments regarding the rule in triplicate to: Manager, Airspace Branch, Air Traffic Division, ACE–520, DOT Regional Headquarters Building, Federal Aviation Administration, Docket Number 99–ACE–45, 901 Locust, Kansas City, MO 64106.

The official docket may be examined in the Office of the Regional Counsel for the Central Region at the same address between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

An informal docket may also be examined during normal business hours in the Air Traffic Division at the same address listed above.

FOR FURTHER INFORMATION CONTACT: Kathy Randolph, Air Traffic Division, Airspace Branch, ACE–520C, DOT Regional Headquarters Building, Federal Aviation Administration, 901 Locust, Kansas City, MO 64106; telephone: (816) 329–2525.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR 71 revises the Class E airspace at Norfolk, NE. A review of the Class E airspace for Karl Stephan Memorial Airport, NE, indicates it does not meet the criteria for 700 feet AGL airspace required for diverse departures as specified in FAA Order 7400.2D. The criteria in FAA Order 7400.2D for an aircraft to reach 1200 feet AGL is based on a standard climb gradient of 200 feet per mile plus the distance from the Airport Reference Point (ARP) to the end of the outermost runway. Any fractional part of a mile is converted to the next higher tenth of a mile. The amendment at Karl Stephan Memorial Airport, NE, will provide additional controlled airspace for aircraft operating under IFR, and comply with the criteria of FAA Order 7400.2D. The area will be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G, dated September 10, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and, therefore, is issuing it as a direct final rule. Previous actions of this nature have not been controversial and have not resulted in adverse comments or objections. The amendment will enhance safety for all flight operations by designating an area where VFR pilots may anticipate the presence of IFR aircraft at lower altitudes, especially during inclement weather conditions. A greater degree of safety is achieved by depicting the area on aeronautical charts. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following

statement is made: ''Comments to Docket No. 99–ACE–45.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, 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.

The FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments. For the reasons discussed in the preamble, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (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.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9G, Airspace Designations and Reporting Points, dated September 10, 1999, and effective September 16, 1999, is amended as follows:

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

* * * * *

ACE NE E5 Norfolk, NE [Revised]

Norfolk, Karl Stephan Memorial Airport, NE
(Lat. 41°59′08″ N., long. 97°26′06″ W.)
Norfolk VOR/DME
(Lat. 41°59′17″ N., long. 97°26′04″ W.)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Karl Stephan Memorial Airport and within 4 miles southeast and 6 miles northwest of the 020° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles northeast of the airport and within 4 miles southwest and 6 miles northeast of the 148° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles southeast of the airport and within 4 miles northwest and 6 miles southeast of the 195° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles southwest of the airport and within 4 miles northeast and 6 miles southwest of the 314° radial of the Norfolk VOR/DME extending from the 6.6-mile radius to 13 miles northwest of the airport.

* * * * *

Issued in Kansas City, MO, on October 1, 1999.

Richard L. Day,

Acting Manager, Air Traffic Division, Central Region.

[FR Doc. 99–27289 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–99–175]

RIN 2115–AE47

Drawbridge Operation Regulations: Harlem River, Newtown Creek, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary final rule governing the operation of the Willis Avenue Bridge, mile 1.5, and the Madison Avenue Bridge, mile 2.3, both across the Harlem River, and the Pulaski Bridge, mile 0.6, across Newtown Creek in New York City, New York. This temporary final rule allows the bridge owner to close the above three bridges on November 7, 1999, as follows: Willis Avenue and Madison Avenue bridges from 11 a.m. to 5 p.m.; Pulaski Bridge from 10:30 a.m. to 3 p.m. This action is necessary for public safety and to facilitate a public function, the New York City Marathon.

DATES: This temporary final rule is effective on November 7, 1999.

ADDRESSES: Documents as indicated in this preamble are available for inspection or copying at the First Coast Guard District Office, 408 Atlantic Avenue, Boston, Massachusetts, 02110, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364.

FOR FURTHER INFORMATION CONTACT: Mr. Joe Arca, Supervisory Bridge Management Specialist, at (212) 668–7165.

SUPPLEMENTARY INFORMATION:

Regulatory History

The Coast Guard has determined that good cause exists under the Administrative Procedure Act (5 U.S.C. 553) to forego notice and comment for this rulemaking because notice and comment are impracticable. The Coast Guard believes notice and comment are impracticable because the requested closures are of such short duration. In the last two years, there have been few requests to open these bridges on Sunday during the hours they will be closed. Vessel traffic on the Harlem River and Newtown Creek is mostly commercial vessels that normally pass under the draws without openings. The commercial vessels that do require openings are work barges that do not operate on Sundays. The Coast Guard, for the reasons just stated, has also determined that good cause exists for this rule to be effective less than 30 days after it is published in the **Federal Register**.

Background and Purpose

The Willis Avenue Bridge, mile 1.5, across the Harlem River has a vertical clearance of 24 feet at mean high water (MHW) and 30 feet at mean low water (MLW) in the closed position. The Madison Avenue Bridge, mile 2.3, across the Harlem River has a vertical clearance of 25 feet at MHW and 29 feet at MLW in the closed position. The Pulaski Bridge across Newtown Creek, mile 0.6, has a vertical clearance of 39 feet at MHW and 43 feet at MLW in the closed position.

The current operating regulations for the Willis Avenue and Madison Avenue bridges, listed at 33 CFR 117.789(c), require the bridges to open on signal from 10 a.m. to 5 p.m., if at least four-hours notice is given to the New York City Highway Radio (hotline) Room. The current operating regulations for the Pulaski Bridge require it to open on signal at all times.

The bridge owner, New York City Department of Transportation (NYCDOT), requested a temporary change to the operating regulations governing the Willis Avenue Bridge, the Madison Avenue Bridge, and the Pulaski Bridge, to allow the bridges to

remain in the closed position at different times on November 7, 1999, to facilitate the running of the New York City Marathon. Vessels that can pass under the bridges without bridge openings may do so at all times during these bridge closures.

Regulatory Evaluation

This temporary 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; Feb. 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 conclusion is based on the fact that the requested closures are of short duration and on Sunday when there have been few requests to open these bridges.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considered whether this temporary 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 less than 50,000. Therefore, for the reasons discussed in the Regulatory Evaluation section 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 temporary 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 temporary final rule in accordance with the principles and criteria contained in Executive Order 12612 and has determined that this temporary final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Environment

The Coast Guard considered the environmental impact of this temporary final rule and concluded that, under Section 2.B.2., Figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this temporary final rule is categorically excluded from further environmental documentation because promulgation of changes to drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this temporary final rule.

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

2. From 10 a.m. through 5 p.m. on November 7, 1999, § 117.789 is temporarily amended by suspending paragraph (c) and adding a new paragraph (g) to read as follows:

§ 117.789 Harlem River.

* * * * *

(g) The draws of the bridges at 103rd Street, mile 0.0, 3rd Avenue, mile 1.9, 145th Street, mile 2.8, Macombs Dam, mile 3.2, 207th Street, mile 6.0, and the two Broadway Bridges, mile 6.8, shall open on signal if at least four hours notice is given to the New York City Highway Radio (Hotline) Room. The Willis Avenue Bridge, mile 1.5, and Madison Avenue Bridge, mile 2.3, may remain in the closed position.

3. From 10:30 a.m. through 3 p.m. on November 7, 1999, § 117.801 is temporarily amended by suspending paragraph (a)(4) and adding a new paragraph (a)(5) and a new paragraph (f) to read as follows:

§ 117.801 Newtown Creek, Dutch Kills, English Kills, and their tributaries.

(a) * * * * *

(5) Except as provided in paragraphs (b) through (f) of this section, each draw shall open on signal.

* * * * *

(f) The draw of the Pulaski Bridge, mile 0.6, across Newtown Creek, may remain closed.

Dated: October 8, 1999.

Robert F. Duncan,

Captain, U.S. Coast Guard, Acting Commander, First Coast Guard District

[FR Doc. 99–27282 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–P

POSTAL SERVICE

39 CFR Part 776

Floodplain and Wetland Procedures

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: The Postal Service is changing its procedures regarding the acquisition and management of real property and construction of facilities in floodplains and wetlands. These changes simplify and clarify the responsibilities of the Postal Service with regard to public notification and procedures to be followed when evaluating postal facility actions that may involve construction projects in floodplains or wetlands.

EFFECTIVE DATE: November 1, 1999.

FOR FURTHER INFORMATION CONTACT: Technical information: Hank Burmeister, (201) 714–5431. Legal information: Jeff Meadows, (202) 268–3009.

SUPPLEMENTARY INFORMATION: In 64 FR 48124, September 2, 1999, the Postal Service published a notice of proposed changes to its floodplain and wetland regulations that clarify and simplify the internal evaluation and decision-making processes for constructing facilities in floodplain and wetland areas, while ensuring public input and notice of these decisions. The Postal Service proposed to separate the requirements regarding floodplains, based upon Executive Order (EO) 11988, from the requirements regarding wetlands, based upon EO 11990. Experience over the years demonstrated that the prior procedures did not adequately balance the needs of local communities with the Postal Service's mandate to provide universal, prompt and efficient mail service while complying with environmental protection policies.

The floodplain procedures apply to construction of new postal facilities in floodplains. They also apply to other construction projects, including the expansion or renovation of existing facilities, that would increase the amount of impervious area in a floodplain, such as paving over a dirt and gravel parking lot. However, the procedural requirement to conduct a no practicable alternatives analysis will not apply to every construction project

located in a floodplain. The no practicable alternatives analysis also will not apply where the entire preferred area for the location of a postal facility, whether expanded, renovated or replaced, is in the floodplain.

The wetland procedures apply to construction of postal facilities in wetlands. For example, if construction is proposed in a wetland, the Postal Service must issue a written determination that there is no practicable alternative to such construction and that the proposed action includes all practicable mitigation measures.

The Postal Service will continue to review the potential environmental impacts and effects of facility actions even if a construction activity is not subject to the no practicable alternative review process and will incorporate appropriate mitigation measures into facilities projects.

The Postal Service requested that comments on the proposal be submitted by October 4, 1999. No comments were received by that date. The Postal Service is changing the language proposed in § 776.5(f) from ''local newspaper reporters'' to ''local newspapers'' due to an editing error. In light of the foregoing, the Postal Service has decided to implement the proposed changes to its floodplain and wetland procedures.

List of Subjects in 39 CFR Part 776

Floodplains, Postal Service.

For the reasons stated in the preamble, the Postal Service revises 39 CFR part 776 to read as follows:

PART 776—FLOODPLAIN AND WETLAND PROCEDURES

Subpart A—General Provisions

Subpart B—Floodplain Management

Subpart C—Wetlands Protection

Authority: 39 U.S.C. 401.

Subpart A—General Provisions

§ 776.1 Purpose and policy.

(a) The regulations in this part implement the goals of Executive Orders 11990, Protection of Wetlands, and 11988, Floodplain Management, and are adopted pursuant to the Postal Reorganization Act, as the Postal Service does not meet the definition of the term ''agency'' used in the Executive Orders.

(b) The Postal Service intends to exercise leadership in the acquisition and management of real property, construction of facilities, and disposal of real property, located in floodplains and wetlands. Consistent with the goals of the Executive Orders, the regulations in this part are not intended to prohibit floodplain and wetland development in all circumstances, but rather to create a consistent policy to minimize adverse impacts.

§ 776.2 Responsibility.

The appropriate Manager, Facilities Service Office, or functional equivalent within the Postal Service's facilities organization, in conjunction with the appropriate Vice President, Area Operations, or functional equivalent within the Postal Service's operations organization, are responsible for overall compliance with the regulations in this part pertaining to facilities projects. The Vice President, Area Operations, is responsible for compliance with these regulations for those projects within the Vice President's delegated authority.

§ 776.3 Definitions.

Construction means construction, alterations, renovations, and expansions of buildings, structures and improvements.

Contending site means a site or existing building for a proposed postal facility action, which meets the requirements of the Postal Service as determined by the operations organization.

Facility means any building, appurtenant structures, or associated infrastructure.

Floodplain means the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including, at a minimum, that area subject to a one percent or greater chance of flooding in any given year (also known as a 100-year floodplain).

Practicable means capable of being accomplished within existing constraints. The test of what is practicable depends on the situation and includes consideration of many factors, such as environment, cost, technology, implementation time, and postal operational needs.

Preferred area means the specific geographical area proposed for a new postal facility, as developed by the operations organization within the Postal Service. A preferred area's boundaries are unique for each proposed facility based on the operational and customer service needs of the Postal Service.

Preferred site means the most advantageous site for a proposed facility, taking into consideration postal operational and customer service needs, cost, and availability, as determined by the operations organization within the Postal Service.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Subpart B—Floodplain Management

§ 776.4 Scope.

(a) The regulations in this subpart are applicable to the following proposed postal facility actions located in a floodplain:

(1) New construction, owned or leased; or

(2) Construction projects at an existing facility that would increase the amount of impervious surface at the site.

(b) These procedures are not applicable to the following postal facility actions:

(1) Those actions identified in paragraphs (a)(1) and (a)(2) of this section, when the entire preferred area, or all contending sites, for such actions lies within a floodplain;

(2) Incidental construction, such as construction of athletic fields, recreational facilities, sidewalks, and other minor alteration projects;

(3) Construction at existing postal facilities pursuant to the Architectural Barriers Act or postal accessibility standards;

(4) Any facility construction project deemed necessary to comply with federal, state, or local health, sanitary, or safety code standards to ensure safe working conditions;

(5) Construction of facilities that are functionally dependent on water, such as piers, docks, or boat ramps;

(6) Maintenance, repair, or renovation of existing facilities; or

(7) Leasing or other use of space for not more than one year.

§ 776.5 Review procedures.

Officials shall follow the decision-making process outlined in paragraphs (a) through (f) of this section, when a facility action may involve floodplain issues. Under certain circumstances, this process may be carried out with fewer steps if all objectives of the decision-making process can be achieved. A general principle underlying this process is that a postal facility action requiring construction in a floodplain may be considered only when there is no practicable alternative.

(a) *Analysis of alternatives.* If a postal facility action would involve construction in a floodplain, alternative actions shall be considered.

(b) *Early public notice.* If a facility action at the contending site(s) could require construction in a floodplain, public notice must be provided.

(c) *Floodplain location and information.* (1) Personnel shall determine whether construction would occur within a floodplain. The determination shall be made by reference to appropriate Department of Housing and Urban Development (HUD) floodplain maps (sometimes referred to as Floodplain Insurance Rate Maps (FIRM)), or Federal Emergency Management Agency (FEMA) maps, or more detailed maps if available. If such maps are not available, floodplain location must be determined based on the best available information.

(2) Once the preferred site has been identified, potential floodplain impacts must be determined. As part of this determination process, specific floodplain information should be developed, which is to consider:

(i) Whether the proposed action will directly or indirectly support floodplain development;

(ii) Flood hazard and risk to lives and property;

(iii) Effects on natural and beneficial floodplain values, such as water quality maintenance, groundwater recharge, and agriculture; and

(iv) Possible measures to minimize harm to, or impact on, the floodplain.

(d) *Reevaluation.* After the above steps have been followed, if the determination is that there appears to be no practicable alternative to constructing in a floodplain, a further review of alternatives must be conducted by the facilities organization in conjunction with the operations organization requesting the construction of the facility. The further review of alternatives must be conducted by the operations organization for projects within the delegated authority of the Vice President, Area Operations.

(e) *Final public notice.* As a result of the reevaluation, if it is determined that there is no practicable alternative to constructing in a floodplain, public notice shall be provided as soon as possible for the proposed action. The notice should be publicized and should include:

(1) Identification of the project's location;

(2) Provision for a 30-day public commenting period before irrevocable action is taken by the Postal Service; and

(3) Name and complete address of a postal contact person responsible for providing further information on the decision to proceed with a facility action or construction project in a floodplain. Upon request, that person shall provide further information as follows:

(i) A description of why the proposed action must be located in a floodplain;

(ii) A listing of alternative actions considered in making the determination; and

(iii) A statement indicating whether the action conforms to applicable state and local floodplain protection standards.

(f) *Distribution.* The above public notice will be sent to appropriate officials, local newspapers, and other parties who express interest in the project.

(g) *NEPA coordination.* If either an Environmental Impact Statement or an Environmental Assessment is required under the Postal Service's National Environmental Policy Act (NEPA) regulations, the above review procedures must be incorporated into and evaluated in that document.

§ 776.6 Design requirements for construction.

If structures impact, are located in, or support development in a floodplain, construction must conform, at a minimum, to the standards and criteria of the National Flood Insurance Program (NFIP), except where those standards are demonstrably inappropriate for postal purposes.

§ 776.7 Lease, easement, right-of-way, or disposal of property to non-federal parties.

When postal property in floodplains is proposed for lease, easement, right-of-way, or disposal to non-federal public or private parties, the Postal Service shall:

(a) Reference in the conveyance document that the parcel is located in a floodplain and may be restricted in use pursuant to federal, state, or local floodplain regulations; or

(b) Withhold the property from conveyance.

Subpart C—Wetlands Protection

§ 776.8 Scope.

(a) The regulations in this subpart are applicable to the following proposed postal facility actions located in a wetland:

(1) New construction, owned or leased; or

(2) Construction projects at an existing facility that would alter the external configuration of the facility.

(b) These procedures are not applicable to the following postal facility actions:

(1) Construction of foot and bike trails, or boardwalks, including signs, the primary purposes of which are public education, interpretation, or enjoyment of wetland resources;

(2) Construction at existing postal facilities pursuant to the Architectural Barriers Act or postal accessibility standards;

(3) Any facility construction project deemed necessary to comply with federal, state, or local health, sanitary, or safety code standards to ensure safe working conditions;

(4) Construction of facilities that are functionally dependent on water, such as piers, docks, or boat ramps; or

(5) Maintenance, repair, or renovation of existing facilities.

§ 776.9 Review procedures.

(a) *Early public notice.* If a facility action at the contending site(s) could require construction in a wetland, public notice must be provided.

(b) *Finding of no practicable alternative.* The Postal Service shall avoid construction located in a wetland unless it issues a finding of no practicable alternative. The facilities organization, in conjunction with the operations organization, or, for projects within the delegated authority of the Vice President, Area Operations, the operations organization, shall make a written determination that:

(1) There is no practicable alternative to such construction; and

(2) The proposed action includes all practicable measures to minimize harm to wetlands.

(c) *NEPA coordination.* If either an Environmental Impact Statement or an Environmental Assessment is required under the Postal Service's National Environmental Policy Act (NEPA) regulations, the above review procedures must be incorporated into and evaluated in that document.

§ 776.10 Lease, easement, right-of-way, or disposal of property to non-federal parties.

When postal-owned wetlands or portions of wetlands are proposed for

lease, easement, right-of-way, or disposal to non-federal public or private parties, the Postal Service shall:

(a) Reference in the conveyance document that the parcel contains wetlands and may be restricted in use pursuant to federal, state, or local wetlands regulations; or

(b) Withhold the property from conveyance.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 99–27185 Filed 10–18–99; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

Identification and Listing of Hazardous Waste

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 260 to 265, revised as of July 1, 1999, page 101, part 261, Appendix IX, Table 1 is corrected by removing the entry for ''Bethlehem Steel Corporation, Lackawanna, New York'' and correctly adding it to Table 2 of Appendix IX on page 118 preceding ''BF Goodrich Intermediates Company, Inc.''. Also, on page 116, the entry for ''Bethlehem Steel Corp. Steelton, PA'' is transferred below ''Bethlehem Steel, Corporation, Lackawanna, New York''.

[FR Doc. 99–55538 Filed 10–18–99; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7723]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Robert F. Shea Jr., Division Director, Program Support Division, Mitigation Directorate, 500 C Street, SW., Room 417, Washington, DC 20472, (202) 646–3619.

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

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

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

National Environmental Policy Act

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

Regulatory Flexibility Act

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

Regulatory Classification

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

Paperwork Reduction Act

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

Executive Order 12612, Federalism

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

Executive Order 12778, Civil Justice Reform

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State/location	Community No.	Effective date of eligibility	Current effective date map date	Date Certain Federal assistance no longer available in special flood hazard areas
Region IX				
California: Hillsborough, city of, San Mateo County.	060320	June 18, 1975, Emerg.; Sept. 1, 1981, Reg; Oct. 6, 1999, Susp.	Oct. 6, 1999	Oct. 6, 1999.
Region I				
Vermont: Royalton, town of, Windsor County.	500153	July 24, 1975, Emerg.; Jan. 16, 1981, Reg.; Oct. 20, 1999, Susp.	Oct. 20, 1999	Oct. 20, 1999.
Region II				
New York:				
Deerpark, town of, Orange County	360612	Apr. 4, 1975, Emerg.; Mar. 18, 1987, Reg.; Oct. 20, 1999, Susp.	.....do	Do.
Vienna, town of, Oneida County	360562	Aug. 27, 1975, Emerg.; Mar. 1, 1984, Reg.; Oct. 20, 1999, Susp.	.....do	Do.
Region III				
West Virginia: Mineral County, unincorporated area.	540129	Dec. 30, 1975, Emerg,; Sept. 27, 1991, Reg.; Oct. 20, 1999, Susp.	.....do	Do.
Region V				
Michigan: Owosso, township of, Shiawassee County.	260809	Oct. 22, 1987, Emerg.; Oct. 20, 1999, Reg.; Oct. 20, 1999, Susp.	.....do	Do.
Region IX				
California:				
Alturas, city of, Modoc County	060193	Aug. 7, 1975, Emerg.; Sept. 24, 1984, Reg.; Oct. 20, 1999, Susp.	.....do	Do.
Modoc County, unincorporated areas ...	060192	Feb. 19, 1976, Emerg.; Sept. 24, 1984, Reg.; Oct. 20, 1999, Susp.	.....do	Do.

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

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

Issued: October 6, 1999.

Michael J. Armstrong,

Associate Director for Mitigation.

[FR Doc. 99–27257 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–05–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Part 27

[USCG–1998–4445]

RIN 2115–AF66

Fire Protection Measures for Towing Vessels

AGENCY: Coast Guard, DOT.

ACTION: Interim rule with request for comments.

SUMMARY: This interim rule implements measures for the early detection and control of fires on towing vessels. These measures increase the chances of fighting a fire with early warnings and better communications, and controlling the fire with shut-off valves and training and drills. The rule should decrease the number and severity of injuries to vessels' crews, prevent damage to vessels, structures and other property, and reduce the likelihood of a tank barge's drifting, grounding, and ultimately spilling its cargo.

DATES: *Effective Date:* This interim rule is effective January 19, 2000.

Comment Date: Comments must reach the Docket Management Facility on or before December 20, 1999.

The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on January 19, 2000.

ADDRESSES: You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one of the following methods:

1. By mail to the Docket Management Facility (USCG–1998–4445), U.S. Department of Transportation , room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

2. By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The telephone number is 202–366–9329.

3. By fax to Docket Management Facility at 202–493–2251.

4. Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this rulemaking. Comments, and documents as indicated in this preamble other than material proposed for incorporation by reference, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also access this docket on the Internet at http://dms.dot.gov.

The material incorporated by reference is available for inspection at room 1308, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001 between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–267–1444.

FOR FURTHER INFORMATION CONTACT: For questions on this rule, contact Randall Eberly, P. E., Office of Design and Engineering Standards (G–MSE), Coast Guard, telephone 202–267–1861, electronic mail Reberly@comdt.uscg.mil. For questions on viewing or submitting material to the docket, contact Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (USCG–1998–4445), indicate the specific section of this document to which each comment applies, and give the reason for each comment. If you submit comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this interim rule in view of the comments.

Public Meeting

We do not now plan to hold a public meeting. But you may request one by submitting a request to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On January 19, 1996, the tugboat SCANDIA, with the tank barge NORTH CAPE in tow, caught fire five miles off the coast of Rhode Island. Crewmembers could not control the fire and, without power, they were unable to prevent the barge carrying 4 million gallons of oil from grounding and spilling about a quarter of its contents into the coastal waters. The NORTH CAPE spill led Congress to add, by § 902 of the 1996 Coast Guard Authorization Act (Pub. L. 104–324) (the Authorization Act), a new subsection, (f), to 46 U.S.C. 4102, to permit the Secretary of Transportation—''in consultation with the Towing Safety Advisory Committee'' (TSAC)—to require fire-suppression measures on all towing vessels. We published a notice of proposed rulemaking (NPRM) on safety of towing vessels and tank barges [CGD 97–064] [RIN 2115–AF–53] on October 6, 1997 (62 FR 52057).

Statutory Mandate

Section 902 of the Authorization Act gave the Coast Guard the authority to require ''the installation, maintenance, and use of a fire suppression system or other measures * * * on board towing vessels.'' However, for vessels that tow non-self-propelled tank vessels, the Authorization Act did not just give the Coast Guard the authority; it mandated that the Coast Guard develop these requirements. The requirements that the Coast Guard is establishing in this rule are based, in part, on recommendations from the TSAC.

Regulatory Approach

New Fire Protection Rules Apply to Most Towing Vessels

This interim rule prescribes that most towing vessels must be fitted with—

- General alarms,
- Engine-room fire detection systems,
- Internal communication systems, and,
- Remote fuel-shutoff valves.

Furthermore, fire-fighting drills must be conducted and training requirements need to be established for crews on towing vessels.

Towing vessels that engage only in assistance towing, pollution response, or fleeting duties are exempted from the measures included in this IR. This rule applies to all other towing vessels, not just those over a certain length or those that tow non-self-propelled tank vessels. Owners of existing towing vessels have until January 19, 2000, to install the required equipment. There were 155 reported fires on towing vessels from 1992–1996, and many of them occurred in the engine room. Each of these fires was a potential danger to the crew or obstruction to maritime commerce, and each resulted in property damage. Many of these fires resulted in a total constructive loss of the vessel, and several required the use of outside resources to bring under control. Also, the TSAC recommended that we apply this rule to towing vessels regardless of service so operators could maintain flexibility over the cargoes that they may tow.

The TSAC recommended that we apply this rule only to vessels at least 12 meters in length. Limiting application of this rule to those vessels, however, would not meet the intent of the mandate in the Authorization Act, which did not distinguish among vessels by length. The Act mandated the installation of fire-suppression measures on vessels that tow non-self-propelled tank vessels (barges); vessels that are less than 12 meters in length could be and often are engaged in towing such barges. Also, the Coast Guard is concerned that a fire that results in loss of propulsion and navigation capability could occur on any towing vessel, regardless of length.

Requirement for a Fire-Suppression System

This interim rule does not implement any requirements for fixed fire-suppression systems on towing vessels. In the NPRM, we expressed our position that gaseous suppression systems may not be effective on certain existing vessels. Those systems need relatively airtight enclosures to maintain extinguishing concentrations. Many existing towing vessels are constructed with engine rooms that would not be sufficiently airtight. Because of this possible constraint on the application of total-flooding systems to existing vessels, we proposed a combination of early-warning fire-detection systems, semi-portable fire extinguishers, fixed or portable fire pumps, and crew training as alternative means of fire protection. During the comment period for the NPRM, we received numerous comments critical of these alternative measures. Many of the comments felt that the measures did not meet the intent of the Authorization Act, because they would not require total-flooding fire-extinguishing systems. Further, the

comments felt that the measures did not consider vessels' characteristics, methods of operation, and nature of service, nor did they differentiate between ocean-going tugboats and inland towboats. We have carefully considered these comments and have decided to implement the lower cost, non-controversial measures in this interim rule, while we continue our review of the other measures. The rule reflects a number of limited changes based on public comments and are discussed below. It drops the sections of the proposed rule that concerned manual fire-fighting and fixed fire-extinguishing systems, to allow additional consideration and comment under a separate Supplemental Notice of Proposed Rulemaking (SNPRM) on fire-suppression systems and other measures for towing vessels [CGD 97–064] [RIN 2115–AF–53].

Discussion of Comments and Changes

The Coast Guard received a total of 54 documents containing 208 comments to the public docket of the NPRM on Towing Vessel Safety. Comments consisted of letters to the docket and remarks at the public meetings in St. Louis, MO and Newport, RI. The 67 comments relating to systems for anchoring and barge retrieval were addressed in a separate rulemaking [63 FR 71754; Dec. 30, 1998] on emergency control measures for tank barges (USCG 1998–4443). The remaining 141 comments were concerned with suppressing and fighting fires. All comments concerning fixed fire-suppression systems, fire pumps, fire hoses and hydrants, or semi-portable fire extinguishers will be addressed in the SNPRM on fire suppression. Comments on other issues of fire protection raised in the NPRM are addressed in this interim rule. The following paragraphs summarize the comments and explain any changes made to the proposed rules for fire protection.

1. General

Eleven comments stated that the proposed rule would not meet the intent of the Authorization Act, because it would not require total-flooding fire-extinguishing systems for all towing vessels, or at least not for all towing vessels used to transport oil and other hazardous substances. Additionally, the proposed rule does not consider vessel characteristics, methods of operation, or nature of service, nor does it differentiate between ocean-going tugboats and inland towboats.

Our proposed rule would have established minimum criteria for manual fire-fighting equipment and for the training of crews on all towing vessels. Many of the public comments were critical of this approach. Their primary concern was for the safety of the crewmembers expected to fight the fires. Other comments noted that the greatest fire hazard on towing vessels is an engine-room fire caused by a fuel leak. Unless fire-fighting equipment used to fight an engine-room fire is installed in a protected location away from the engine room, it could be damaged by a fire. Fire pumps and generators used to power the fire pumps are generally located in the engine room. Aboard many towing vessels, there is no other space where they could be installed. The same concern was expressed about the location of the semi-portable fire extinguisher that we proposed. Many of the commenters felt that manual fire-fighting equipment would meet with limited success on an engine-room fire, unless self-contained breathing apparatus and personal protective gear (which the NPRM did not propose) were provided to the crew. Even then, the effectiveness of manual fire-fighting equipment would be limited in contrast to that of fixed fire-suppression systems. We are reconsidering the application of fixed fire-suppression systems and semi-portable fire extinguishers to all vessels. We will revisit these in the SNPRM.

One comment requested that we amend the proposed rule to require that all towing vessels transporting oil or other hazardous cargoes comply with the same standards for construction and safety applied to self-propelled tank vessels (46 CFR Subchapter D). It urged that criteria for construction, manning, and inspection are essential to ensure the safe transport of hazardous cargoes. The proposed rule would not go far enough, it held, in applying rules on fire and safety to towing vessels. Such a change is outside the scope of this rulemaking, and we did not incorporate it.

One comment indicated that many operating vessels already have systems for fire detection, fire extinguishing, general alarm, and internal communication that are functional but that would not meet the approval criteria in the proposed rule. The comment argued that such existing equipment should be accepted, as is. We note the concerns of this comment and have partially incorporated them in this interim rule. Existing fire-detection systems that use Underwriters Laboratory (UL), Inc.-listed components, and are installed according to specific criteria (listed in §§ 27.210 and 27.310), will now be accepted. We will require that vessel owners have documentation from a Registered Professional Engineer or a recognized classification society (under 46 CFR part 8) certifying that existing fire-detection systems satisfy our criteria. Existing systems for general alarm and internal communication need not meet any approval criteria. They need only be capable of functioning as stated in this rule. Existing fire-extinguishing systems will be the subjects of the SNPRM.

One comment felt that the proposed requirements for towing vessels are overly restrictive when compared to the requirements for other types of vessels. The comment recommended that we change the proposed rule to mandate a fire prevention program in conjunction with standards for housekeeping and preventive maintenance as a substitute for the proposed systems for detecting and extinguishing fires. We do not agree with this comment. The administrative controls that the comment recommends are one element of successful fire protection. The proposed controls alone do not provide an adequate level of fire protection. The incidence and consequences of potential fires cannot be realistically predicted. Our rule, therefore, requires the set of equipment necessary to provide a minimum level of protection against possible fires.

One comment expressed concern that a vessel without an auxiliary generator could not provide electrical power for a fire pump. We note this concern and will address it further in the SNPRM.

Several comments requested that vessels, 12 meters or less in length, should be exempted from the proposed rule. We do not agree with these comments. As we previously stated (in the preamble to the NPRM), this would not meet the intent of the Authorization Act, because the Act does not vary its applicability based on vessel length. We are concerned about possible fires on any towing vessel regardless of its length.

Several comments stated that the proposed rule should not apply to all towing vessels, but should apply only to towing vessels used to transport oil and other hazardous substances. We noted in the NPRM our concern about possible fires on any towing vessel—regardless of service or materials transported. The rule, as proposed, is intended to provide a minimum level of fire protection for all towing vessels. As previously noted, the requirements for fixed fire-extinguishing systems in the engine rooms of towing vessels remain under review. The SNPRM will consider the need for fixed extinguishing systems, taking into account the service of the

vessel as well as the hazard level of the cargoes being transported.

One comment suggested that we require emergency lighting in the engine room. We agree in principle with the comment that emergency lighting may enhance access to the engine room during an emergency. However, we have not amended the proposed rule to require this. We expect that most towing vessels carry battery-powered flashlights and portable lanterns that are used daily. If so, it is a reasonable expectation that these lights would work when needed. We expect that these portable lights would be sufficient for use in emergencies.

Several comments expressed the view that the crew should not have to perform as a fire brigade. They said that this would unnecessarily expose the crew to danger. Instead, they felt that a more prudent approach would be to abandon the vessel, or to rely on fixed fire-suppression equipment. We note this concern and will address it further in the SNPRM.

One comment recommended that we extend the implementation date for the installation of the required fire-protection equipment. This would allow vessel operators the option of installing the required equipment at the next scheduled yard date rather than within the specified two-year period. The comment notes that, if all operators are required to install the fire-protection equipment during the same two-year cycle, suppliers of the equipment will face a backlog of orders that could prevent timely completion of the installations. We do not agree with the comment. The proposed two-year limit for complying, in conjunction with the time taken to complete the rulemaking, affords existing towing vessel operators more than ample opportunity to order and install the required equipment.

2. Definitions

One comment suggested that definitions of several terms were needed to clearly understand the proposed rule. The unclear terms were *operating station, accommodation space, contact maker, fire-detection system, pitot-tube pressure, working area,* and *machinery space.* We agree with this comment. We discuss the *term fire-detection system* further within the sections of the rules that apply to it. The term *pitot-tube pressure* no longer pertains to this rule. A contact maker is a type of switch; specifications for one are described in 46 CFR 113.25–11. We have added the remainder of the terms to the list of definitions in § 27.101. To avoid confusion, we have replaced the term *machinery space* used in the proposed rule with the term *engine room* in all parts of the interim rule.

3. General Alarm

One comment expressed the opinion that a general alarm should not be required on a small vessel, because the crew could communicate by voice or by sounding the vessel's horn. We disagree. The primary goal of the proposed rule was to ensure that a distinctive emergency signal would be installed on each towing vessel, to quickly alert the crew of fire or other emergency. A vessel's horn regularly sounds for non-emergencies. A crewmember's voice may not be clearly heard or understood over engine-room noise, resulting in mistaken or delayed fire-fighting. The general alarm that we require is a universally recognized signal for the crew to respond to their assigned emergency stations.

Several comments felt that §§ 27.205(a)(4) and proposed 27.305(a)(3), here 27.305(a)(4), should require monthly instead of weekly testing of the general alarm. Again, we disagree. The general alarm is an emergency safety system; as such, it must be functional at all times. Weekly testing of the alarm is consistent with our rules for inspected vessels and provides a high degree of confidence that the alarm will operate when needed.

A number of comments did not understand our intent, or they disagreed with our proposed rule, for the design of the general alarm stated in §§ 27.205 and 27.305. A particular concern was the requirement to install visible warning devices in all areas on new vessels. Many comments felt that a standardized general alarm should be required, with audible alarms placed throughout the vessel, including supplemental visible alarms in areas with high levels of background noise. Upon further review of the proposed rule, we agree that the two systems could be misinterpreted in their existing form. We have rewritten them to clarify the requirements and have modified them to make them consistent for both existing and new vessels. This change deletes the requirement for general alarms on new vessels to be both audible and visible. This rule requires that all general alarms consist of audible warnings located so they can be heard throughout the vessel. It also requires that, in areas where it may be difficult to hear those warnings, supplemental visible warnings must be installed. This change should ensure that a universal warning is in place on both new and existing vessels. Uniform general alarms will prevent confusion among crewmembers that may transfer between different vessels.

4. Fire Detection

One comment requested that we change §§ 27.210 and 27.310 to exempt small vessels from the requirement to install fire-detection systems. The comment felt that a crew could provide a fire watch and sound an alarm by voice or by sounding a vessel's horn. We do not agree. The goal of the proposed rule was to ensure that a dedicated, reliable system would be installed aboard towing vessels, to provide early warning of fires. An approved fire-detection system provides continuous surveillance of the protected area. Reliance on crewmembers that may be distracted or busy performing assigned duties does not provide an equivalent level of protection.

Another comment noted that the proposed rule would have required an approved fire-detection system but not the maintenance or testing of the system. We agree with this observation, and §§ 27.210(b) and 27.310(b) will require the maintenance and testing of the system according to the manufacturer's instruction manual.

Several comments said that §§ 27.210 and 27.310 contain insufficient design criteria to let the public develop realistic cost estimates for the proposed fire-detection systems. We disagree with this observation. Manufacturers provided us with basic information on costs of their systems. We recognize that each vessel may have unique configurations that could alter the final cost of its system. However, we believe that this rulemaking contains adequate information to allow the development of reasonable estimates of cost.

Numerous comments regarded the design basis of the proposed fire-detection systems. Several noted that many existing vessels currently have systems that comply with NFPA 72, which is the shore-based criterion for such systems. But NFPA 72 allows the spacing of heat detectors at much greater distances than the 3 meters (10 feet) that proposed §§ 27.210(b) and 27.310(b) would have required. Since the existing systems may not have their detectors spaced at 3-meter intervals, these systems would have to be replaced. The comments suggested that, for this and other technical reasons, we should accept existing systems that comply with NFPA 72. We agree. Existing systems that are certified to be UL-listed and are installed under specific criteria listed in §§ 27.210 and 27.310 will be accepted. The standard of 3-meter spacing drops from the rule.

Another group of comments expressed related concerns with the proposed 3-meter standard for the placement of fire detectors on the overhead of the engine room. The comments suggested that fire detectors located there at 3-meter intervals might not be adequate to protect against all hazards. They suggested, as an alternative, a combination of heat and smoke detectors located on the overhead and at lower levels, near obvious hazards such as main engines or generators. Several of the group felt that the rule should allow heat detectors, smoke detectors, a combination of heat and smoke detectors, or a continuously manned engine room. We partially agree with these comments. We have changed the rule to allow fire-detection systems to comply with design criteria of the Coast Guard (listed in §§ 27.210 and 27.310) or with NFPA 72. These systems may use heat detectors, smoke detectors, or a combination of the two. We do not, however, consider a continuously manned engine room an acceptable substitute for any such system. The attention of the personnel on duty in the engine room might be focused on routine tasks or maintenance. Because of these parallel duties, the engineers might not immediately notice incipient fires. Even a continuously manned engine room must have a fire-detection system to ensure the needed level of safety.

Several comments concerned proposed §§ 27.210(f) and 27.310(f), which would have required that the fire-detection system not be used for any other purpose. The comments stated that the rule should let the system be connected to the automation or other monitoring system of the engine room. We disagree. The connection of non-emergency equipment to the fire-detection system introduces a potential for spurious electrical faults to damage the system; this could decrease the reliability of the system. This rule accepts fire-detection systems approved by the Coast Guard or listed by UL only for service as fire alarms. If other devices are connected to fire-alarm panels, then there is no way of ensuring that alarms will perform as necessary.

5. Internal Communications

One comment expressed the opinion that internal communication systems are not needed on small vessels, because the crew could communicate by voice. We agree with this comment. In response, we have changed the interim rule to allow internal communication requirements similar to those listed in 46 CFR part 184 of Subchapter T and 46 CFR part 121 of Subchapter K. To be consistent with other provisions of the existing regulations, this exemption will also apply to twin-screw vessels with operating station control for both engines. Subchapters T and K regulations leave the determination of acceptable arrangements on small vessels up to the local Officer in Charge, Marine Inspection. Towing vessels are not normally subject to the jurisdiction of the local inspector; thus alternate performance criteria are listed in the rule. Changes to the rule will allow small vessels, where the operating station, control station, and the propulsion engine room are sufficiently close together, to use direct voice communication instead of an internal communication system. For the purpose of this regulation, we feel that the separation criterion ''sufficiently close'' is satisfied, if the crew is able to maintain unobstructed visual contact and the separation distance between the operating station and the engine room access door does not exceed 3 meters (10 feet).

Another comment requested clarification of proposed §§ 27.215(a) and 27.315(a) regarding the necessary degree of independence for the system. It asked whether the system needs to be electrically and physically isolated from the vessel's electrical system. It also suggested that battery-powered public-address (PA) systems or portable VHF radios should fulfill this requirement on both existing and new vessels. We agree with this comment, and have changed the sections accordingly. Our intent here is to ensure the presence of a reliable system, one that will continue to operate even if the vessel's electrical power fails or shuts down. We regard either an installed PA system with backup power from batteries, or hand-held VHF radios, as meeting these criteria. It is not necessary for the system to be completely distinct from the vessel's electrical system. Our intent is to ensure there is a source of power for the communication system that does not depend on the towing vessel's electrical system.

One comment recommended that we require the systems for internal communication to be intrinsically safe. We do not agree. The system is to allow contact between the engine room and the operating station. Neither of these areas is a hazardous location where specialized electrical equipment must be installed.

6. Fire Pumps, Fire Main, and Fire Hose

Numerous comments concerned the proposed rule for fire pumps, hydrants, and hoses. Many of the comments wondered how an installed fire pump could be of any use in combating an engine-room fire if it or its source of power were located in the engine room. Others noted that the requirement for a portable pump made sense in part precisely because the pump would not be affected by an engine-room fire, but noted further that it would be extremely difficult to effectively deploy and start the pump in an emergency. Many others suggested that manual fire-fighting in an engine room would be very difficult for crewmembers not trained as professional fire fighters. Because of these comments critical of the proposed rule, we are reserving all sections of the proposed rule that pertain to manual fire-fighting for further consideration in the SNPRM. This may reduce or remove the proposed rule for manual fire-fighting equipment if our further consideration concludes that fixed extinguishing systems or other measures offer a more effective means of suppressing engine-room fires aboard towing vessels.

7. Fire-Extinguishing Equipment

One comment noted that proposed § 27.325 would have allowed the operator of a new towing vessel 24 meters in length or longer to install either a semi-portable fire extinguisher or a fixed fire-extinguishing system. The comment expressed the view that, on new vessels, fixed systems should be required. That was our intent with the NPRM; only through a typographical error did the proposed rule state that the installation of either type of system was acceptable. A corrective notice [62 FR 60939] published on November 13, 1997, made this clear: The proposed rule should have stated that both a semi-portable extinguisher *and* a fixed system would be required. We have decided, however, to reserve this section for the SNPRM.

Numerous comments concerning the proposed requirements for semi-portable fire extinguishers took a different view. Several felt that no extinguisher should be located in the engine room, to prevent it from being damaged during a fire. Others stated that several small extinguishers would be more effective than one large one. In response to the comments we received on the issue of manual versus fixed fire extinguishing, we have decided to reserve this section as well. It, too, will receive further consideration in the SNPRM.

8. Fuel Shutoffs

Several comments requested that we change the requirements for fuel shutoffs proposed in § 27.340(f). Many suggested that we allow, for new

vessels, remote engine shutdown instead of remote fuel shutoff. A contrary comment recommended that we not allow the remote engine shutdown on existing vessels and that, for effective extinguishing of the fire, we instead require only remote fuel shutoffs in all cases. The comments favoring remote engine shutdowns noted that, if a vessel with multiple engines experienced an engine fire, a fuel shutoff would disable all of the engines, reducing maneuvering flexibility. Some of these reasoned that, if all vessels had remote engine shutdowns instead of remote fuel shutoffs, only the affected engine would need to be stopped, so the remaining engine could be used to safely maneuver the vessel. Others observed that, if a diesel engine were stopped by shutting off its fuel supply, it could not be easily restarted, and would require a shore-based mechanic to repair. We do not agree with the comments that a remote fuel shutoff should be optional; we agree with the comment that one should be required on every vessel and have changed the rule accordingly. As the preamble to the NPRM noted, a fuel shutoff is the preferred means of protection. It allows the crew to stop the flow of fuel into the engine room from the fuel tanks, but need not be immediately closed. Moreover, on a vessel with multiple engines, a fuel shutoff could be installed on the fuel line to each engine. A remote engine shutdown, by contrast, leaves no way to stop the flow of fuel into the engine room if a fuel line or fitting is damaged. Fire fighting must be coordinated with the operation of the vessel and must also be tailored to the situation as it unfolds. Ordinarily, the master decides when to close the fuel shutoff. Emergency maneuvering could occur when conditions allowed. In addition, the engines could be stopped by normal means before the fuel shutoff is operated, to help prevent complications with restart. Effective fire-fighting will require the ability to shut off the gravity flow of fuel into the engine room regardless of the method used to extinguish the fire (manual or fixed). Remote engine shutdowns will not afford this ability.

One group of comments requested that we change proposed § 27.340(f) to require the fuel shutoff only on the main engine(s). They noted that a complete fuel shutoff would stop the auxiliary generator, which in turn would disable the electric fire pump. Others asked whether we would require remote fuel shutoffs for every fuel line. Our response is yes; fires involving the main engine are not the only hazard that we are concerned about. Auxiliary engines such as diesel generators could also suffer fires related to fuel systems. The proposed rule clearly stated, and this interim rule clearly states, that any fuel line that could be subjected to internal head pressure from fuel in a tank must be fitted with a remotely-operated positive-shutoff valve. Several options exist for the arrangement of the valve. The valve can be located at the main-tank discharge, upstream of any fuel-line branches. If this valve closes, then the flow of all combustible fuel to the engine room stops. Operators of vessels with multiple engines or auxiliaries do not have to install single valves to stop the flow of fuel from the main tanks; they may install multiple valves such that selected engines can continue running during a fire, if conditions permit.

9. Fire Axes

Several comments asked about our reasoning for requiring a fire axe in § 27.235. Fire axes are used for forcible entry and for salvage and overhaul. A pick-headed fire axe can help open burning insulation and lagging or storage cabinets to ensure that all local hot spots are exposed and properly extinguished. Because the fire axe is part of the previously proposed manual fire-fighting equipment, we have reserved this section for further comment in the SNPRM.

10. Muster Lists

Several comments related to our proposed requirements for muster lists. Because muster lists are an element of the proposed manual method of fire-fighting, we have reserved this section for further consideration in the SNPRM.

11. Drills

One comment recommended we require all licensed personnel on towing vessels be certified as trained in fire fighting. While we agree with this comment in principle, we do not intend to amend the proposed rule because the benefit-cost analysis does not support such a requirement. Further, changes to the requirements for licensing maritime personnel are outside the scope of this rulemaking. Most persons serving on towing vessels in inland or coastal service do not carry licenses that require them to attend approved fire-fighting schools. Also, these vessels operate where municipal fire departments may be available to supplement their crews in fire fighting. Our rules require all crewmembers to participate in monthly drills aboard their vessels. These drills should familiarize them with the specific emergency procedures and equipment aboard their vessels.

Several comments asked that we change proposed § 27.355(c) to let the required fire drills and instruction be given by persons licensed as operators of uninspected towing vessels (OUTVs). We agree with this comment and have deleted the proposed requirements that drills be conducted by a person licensed for operation of inspected vessels of 100 gross tons or more.

One comment expressed concerns regarding the proposed requirements for training and drills in § 27.355. The comment maintained that the requirements would entail monthly drills on engine-room fires and periodic training on other fire-related activities. It suggested that the drills include practice in responding to different types of emergencies and that training occur no more often than quarterly. We feel that the comment has misinterpreted the proposed requirements. We have proposed monthly drills to ensure that the crew is familiar with its responsibilities during an emergency. The drills should help the crew to practice locating and operating the emergency equipment. They should also allow the crew to consider contingencies for responding to unplanned events such as blocked access, damaged or missing equipment, and search and rescue. The fire-fighting exercise in the engine room (see § 27.355(a)(1)) is intended to ensure crews regularly practice this important evolution. We expect that the monthly drills will vary to cover a variety of fires or related emergencies that could occur on the vessel. Changes in the vessel's routes or cargoes may introduce different scenarios or circumstances. We do not want the crew to perform monthly drills responsive only to fires in the engine room. We have not changed this section in response to this comment.

12. Fuel Systems

One comment suggested that the final rule cover fuel systems for portable pumps on existing vessels. Because portable pumps are used for manual fire-fighting, we have reserved treatment of this issue for the SNPRM.

One person questioned the lack of a definition of a 30-by-30-mesh flame screen in § 27.340(d)(1), and noted that the proposed rule did not specify that the screen be corrosion-resistant. We agree that a flame screen should be corrosion-resistant and have changed this rule accordingly. We do not agree that further explanation of the term 30-by-30 mesh is warranted. This description of the flame screen is

commonly understood and is consistent with 46 CFR Subchapter F, Marine Engineering.

Several comments noted that § 27.340(c) as proposed could be interpreted to prohibit portable fire pumps with gasoline-powered engines. It is not our intent to prohibit the use of portable fire pumps. Because portable pumps are used for manual fire-fighting, we have also reserved treatment of this issue for the SNPRM.

One comment noted that § 27.340(d) as proposed would require the fitting of each fuel tank with a vent pipe connected to the highest point of the tank and terminating on the weather deck. The comment felt that this would prevent the operator of a towing vessel from leading a common vent pipe from two or more fuel tanks. This is not the intent. The individual vent pipes from several fuel tanks containing liquids in the same class of hazards could be connected to a header that vents on the weather deck, as long as the piping arrangements and diameters were adequately sized to prevent overpressuring the tanks. We have revised this paragraph to prevent confusion.

One comment asked that we clarify the proposed rule to indicate that 46 CFR Chapter I, Subchapter F, Marine Engineering, does not apply to towing vessels. The comment is partly correct. Subchapter F does not apply to the vessels affected by this rulemaking—unless they use Bunker C as a fuel source. Since this rule describes specific criteria for the design and installation of fuel systems, it needs to include how Bunker C is handled.

Incorporation by Reference

The Director of the Federal Register has approved the material in § 27.340, paragraphs (b), (e) and (g), for incorporation by reference under 5 U.S.C. 552(a) and 1 CFR part 51. The material is available for inspection where indicated under **ADDRESSES**. Copies of the material are available from the sources listed in those paragraphs.

Regulatory Evaluation

This interim 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. However, it is significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040; February 26, 1979) because of public interest generated by the NPRM and the Office of the Secretary has reviewed it.

A Regulatory Assessment under paragraph 10e of the regulatory policies and procedures of DOT is available in the docket for inspection or copying where indicated under **ADDRESSES.** A summary of the Assessment follows; unless otherwise indicated, cost and benefit data are expressed in end-of-year values for 1998 and reflect a 15-year period of analysis.

Summary of Benefits

Measures published in this interim rule should yield a benefit-to-cost ratio of 1.3-to-1. The benefits, in the form of avoided injuries as well as damage to vessels and property, are approximately $31.7 million. In addition, the measures are estimated to prevent 6,065 barrels of oil pollution. The table following this paragraph illustrates the calculation of net cost-effectiveness from total quantifiable costs and benefits resulting from implementation of this rule. The benefits are normalized into cost-effectiveness ratios to reflect the cost per unit of oil pollution averted. Here's how: The total estimated dollar cost of this rule is shown on Line (1); total property damage and injuries averted, a benefit expressed in dollars, is shown on Line (2) and is subtracted from total dollar costs to yield a net cost, which is shown on Line (3); pollution averted, which is expressed in barrels of oil not spilled, is shown on Line (4); and the net cost from Line (3) divided by the pollution averted benefit from Line (4) to yield an expression of cost-effectiveness expressed in units of net discounted dollars per discounted barrels of oil not spilled appears on the bottom line. This procedure permits us to compare benefits from averted pollution and property damage benefits in terms of net cost-effectiveness.

TABLE 1.—FIRE PROTECTION MEASURES FOR TOWING VESSELS: COST EFFECTIVENESS EXPRESSED IN 1998 DOLLARS PER BARREL OF OIL NOT SPILLED

Type of benefits and costs	Quantity	Units
(1) Cost of this rule	23,559,966	Dollars (PV).
(2) Property Damage and Injuries-averted	31,747,815	Dollars (PV).
(3) Net cost (1) − (2)	− 8,187,849	Dollars (PV).
(4) Pollution averted	6,065	Barrels of oil unspilled (PV).
Net cost effectiveness (3)÷(4)	*− 1,350*	*Dollars per barrel unspilled.*

Note: Benefits, shown on lines (2) and (4), are italicized. On the bottom line, net cost-effectiveness is underlined and represents a common expression of different benefits quantified in unlike units of measure. In this case, they are: Averted damage to vessels and equipment and injuries to crewmembers, expressed in dollars; and, Oil not spilled overboard into bodies of water, expressed in barrels of oil not spilled.

In order to express the benefits in an expression of like units, benefits expressed in dollars on line (2) are subtracted from the cost of the rule expressed in dollars on line (1), resulting in the net cost of the rule on line (3). Net cost is divided by pollution benefits to yield an expression of net cost-effectiveness expressed in dollars per barrel of oil not spilled. The sign (+/−) of the net cost-effectiveness expression indicates the relationship between non-pollution benefits and the cost of the rule. If the sign is negative, dollar benefits exceed the cost; if it's positive, the cost of the rule exceeds the dollar benefit component. All cost-effectiveness ratios expressed in dollars per barrel of oil not spilled may be compared with one-another. Smaller dollar values in the numerator, including those with negative signs, signify greater cost-effectiveness.

The principal benefit of this rule is protection against oil spills and property damage that may result when a fire causes a towing vessel to lose control over the tank barge it is towing, permitting the barge to run aground. Quantifiable benefits accrue from averted pollution measured in barrels of oil not spilled and averted damage to property such as vessels and machinery, measured in dollars.

To construct the benefits analysis, the Coast Guard employed its Marine Safety Management System (MSMS) database and underlying reports to provide a reasonable approximation for modeling marine casualties and pollution incidents. The model postulates that, if requirements in this rule were not enacted, the normalized frequency and severity of pollution and damage due to fires on towing vessels would continue at about the same magnitude as during a representative five-year base period—which the Coast Guard identified as 1992–1996. This period samples the maritime environment after the Oil Pollution Act of 1990 (OPA 90); the Coast Guard considers the period long enough to capture a representative

history, while short enough to be reasonably current. The Coast Guard considered the period 1992–1997; it did not choose that time period because reports for 1997 remain open and are too preliminary to present a fair representation.

The Coast Guard recognized that the nature of the maritime environment—blending people, vessels, machines, and the sea—still might cause some of the casualties targeted by this rule after it is in force. Accordingly, we assembled a team comprised of marine inspectors, program analysts, and economists, who reviewed the data and individual case files, and consulted fire-protection engineers and various subject-matter experts with field experience. From these two efforts, the Coast Guard identified probabilities of effectiveness for the fire-protection requirements and for closely related proposals that are fair and reasonable assessments of likely future performance.

The team identified 155 cases that occurred between January 1, 1992 to December 31, 1996, that involved fires on towing vessels. The Coast Guard reviewed the casualty data and narratives for each incident. These cases provided the pool from which it estimated the expected benefits. Each of these cases is summarized in Appendix G of the Regulatory Assessment (available in the docket). For all five requirements, the Coast Guard reviewed casualty data of each case to assess whether the casualty could have been prevented or diminished in severity by this interim rule. Coast Guard analysts assigned an effectiveness degree representing the extent each proposed measure would have favorably affected each casualty case. They then tabulated average effectiveness percentages levels for each requirement: fire detection systems—15.4%; training and drills—12.3%; fuel shutoff valves—12%; internal vessel communication systems—7.4%; and general alarms—7.7%. Most cases would likely have benefited from two or more of the measures. That is why they used a methodology, which took into account the typical sequence in which the five requirements would come into play during a casualty. For these cases fire-detection systems would confer ''first tier'' benefits; internal vessel communication systems, ''second tier'' benefits; training and drills, ''third tier'' benefits; general alarms, ''forth tier'' benefits; and fuel-shutoff valves, ''fifth tier'' benefits. Apportioning the benefits in this way avoids multiple counting of benefits.

The principal purposes of this rule are to avert oil pollution and prevent damage and injuries, since they are public benefits. Our analysis projects that, from the effective date through 2014, the requirements implemented with this rule will result in a total pollution benefit of about 6,065 barrels of oil (not spilled), and total damage and injuries averted worth an estimated $31.7 million (present value).

Summary of Costs

The towing vessel industry will bear the costs of this rule. Most costs will occur during the two-year phase-in period following the rule's publication date. Owners and operators of existing vessels required to install equipment no doubt will take advantage of the extended phase-in period as they plan for and incur onetime costs of purchasing and installing the general alarms ($2,600), the fire-detection systems ($2,880), the internal communication systems ($1,000), and the fuel-shutoff valves ($2,500).

For the purpose of this analysis, the Coast Guard assumes that half of the vessels will comply with each required measure during the first year of the phase-in period and half of the vessels will comply during the second year.

The total cost of this rule is the sum of the costs to the towing industry for the several requirements in the rule. The following table lists those costs, requirement by requirement:

TABLE 2.—Two-year phase-in costs of the requirement due to the interim rule on Fire Protection expressed in 1998 dollars.

Requirement	2-Year Initial Cost	Total Cost [includes annual recurring costs] [1]
General Alarm ..	$1,414,955	$1,471,894
Internal Vessel Communication	875,081	1,078,254
Fire Detection ...	5,098,059	10,624,372
Fuel-Shutoff Valve	7,024,151	7,279,647
Training and Drills	616,534	3,105,799

[1] Over the period of analysis from 1999 until 2015.

During the two-year phase-in period within which existing vessels must come into compliance, this rule is estimated to cost industry about $15 million. Over the period of analysis (1999 until 2015), the projected total cost is approximately $23.6M (PV).

Unfunded Mandates Reform Act

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. Under sections 202 and 205 of the UMRA, the Coast Guard generally must prepare a written statement of economic and regulatory alternatives for proposed and final 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, an analysis under the UMRA is necessary.

While several State and local governments operate some towing vessels, the majority of affected towing vessels are owned and operated by entities in the private sector. This interim rule does not now directly affect tribal governments. The total burden of Federal mandates imposed by this rule will not result in annual expenditures of $100 million or more. Therefore, sections 202 and 205 of the UMRA do not apply.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard considers the economic impact on small entities of each rule for which a general notice of proposed rulemaking is required. ''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.

An assessment of this interim rule's impacts on small entities is included in the regulatory assessment; it is available in the docket for inspection or copying where indicated under **ADDRESSES.**

The owner of a vessel that is not in compliance with any of the five requirements would have to spend $9,480, on average, to meet the measures outlined in this interim rule. However, most vessels are already in compliance with some of the measures as shown in Table 3. In an effort to determine the average financial impact on towing vessel owners/operators, the Coast Guard estimated the expected cost of compliance with the interim rule. The expected cost of this rulemaking is simply the sum of each requirement's cost weighted according to their probabilities of occurrence. On average, towing vessel owners and operators are expected to spend $3,306 per affected vessel to comply with this rulemaking (Table 3).

TABLE 3.—EQUIPMENT COST AND TOWING VESSEL COMPLIANCE

Requirement	(1) Cost of equipment	(2) Towing vessels with equipment	(3) Towing vessels without equipment	(4) Probability of incurring cost (% without equipment)	(5) Expected cost [(1) × (4) = (5)];
General Alarm	$2,600	4,216	602	12.5	$325.00
Internal Vessel Communication	1,000	3,850	968	20.09	200.90
Fire Detection	2,880	2,982	1,835	38.08	1,096.70
Fuel Shutoff Valve	2,500	1,710	3,108	64.5	1,612.50
Training and Drills	500	4,136	682	14.15	70.75
Total	9,480	16,892	7,195	.....	3,305.85

The impact of this rule will fall primarily on the owners and operators of towing vessels that do not already carry all of the equipment or take all of the measures required. The rule will require such owners and operators to purchase and install specific fire-protection equipment. Furthermore, masters and mates of towing vessels must be able to familiarize their crews with procedures to control and extinguish fires on board their towing vessels. Owners and operators of towing vessels are responsible for both inspecting their fire-fighting equipment and systems and maintaining them in good working order. The purpose is to decrease the probability of fires on vessels towing barges, because they may lead to barges drifting out of control—which could result in harm to people, pollution, and property damage.

We are establishing a two-year phase-in period for the existing towing vessel requirements of equipment and measures. Although we received no comments on the NPRM concerning small entities, we recognize that a significant number of towing vessels are likely owned and operated by small firms not dominant in the industry. The two-year phase-in permits vessels to undergo the installation of equipment required by this rule during normal inactive periods. They may thus avoid incurring the extra opportunity costs of lost revenue during that time. The long phase-in will thus permit most small entities to explore the market, and to plan and schedule installations during normal downtime (dockside).

The equipment required by this rule is in common use in the industry and does not represent novel or untried technology. Some small entities are likely to be among the majority of owners and operators who already meet some or all of the requirements. This rule will result in a financial burden for some of those owners and operators who must purchase and install equipment. The costs are very low in comparison with the replacement cost of a towing vessel, and extremely low in comparison with the damage that could be caused by, and the liability that could result from, an accident and resultant spill.

The crafting of this rule so that many affected vessels are already in compliance, and the two-year phase-in period for installation of fire-protection equipment and systems on existing vessels, provide important accommodations to, and significant flexibility for, small entities and others affected by this rule.

Accordingly, the Commandant certifies under section 605(b) of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) that this rule will not have a significant economic impact on a substantial number of small entities. If, however, you think that your business or organization qualifies as a small entity, and that this rule will have a significant economic impact on your business or organization, please submit comments (see **ADDRESSES**) explaining why you think it qualifies and in what way, and to what degree, this rule will affect it economically.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this interim rule so that they can better evaluate its effects on them and participate in the rulemaking. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please call Mr. Randall Eberly, telephone 202–267–1861.

The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about enforcement by Federal agencies. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on enforcement by the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This interim rule does not provide for a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). It does require standard wording to appear on each general alarm bell and flashing light. This wording is to inform crewmembers that when the general alarm bell sounds, or the red light flashes, they should proceed to their assigned stations. This labeling is exempt from the Office of Management and Budget guidelines for collection and posting of information since exact wording is provided.

Federalism

The Coast Guard has analyzed this interim rule in accordance with the principles and criteria contained in Executive Order 12612. In the case of any towing vessel towing a non-self-propelled tank vessel, this rulemaking was statutorily mandated, so this rule does not require a Federalism assessment. In the case of all other vessels to which this rule applies, the Coast Guard has determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Although the Coast Guard has determined that this rule does not warrant the preparation of a Federalism Assessment, the rule does preempt portions of State law regarding fire-protection measures for towing vessels. The rule primarily concerns the design, construction, and equipment associated with fire-protection measures for towing vessels. Courts have long held that the Coast Guard has preemptive regulatory authority on matters of design,

construction, and equipment on vessels—either where it has received a statutory mandate to regulate, or, if the authority to regulate is discretionary, where it has exercised this authority. [See, e.g., *Kelly* v. *Washington*, 302 U.S. 1 (1937); *Ray* v. *Atlantic Richfield Co.* 435 U.S. 151 (1979); *International Association of Independent Tanker Owners (Intertanko)* v. *Locke*, 148 F.3d 1053 (9th Cir. 1998) petitions for cert. filed (U.S. Apr. 23, 1999) (No. 98–1701, 1706)]. In the case of this rule, the statutory authorities under which the regulations are promulgated mandate action for inspected towing vessels and any towing vessels towing a non-self-propelled tank vessel [per 46 U.S.C. 3306(a)(3) and 4102(f)(2)], and give discretionary authority for all other towing vessels [per 46 U.S.C. 4102(f)(1)]. Under either premise, the preemptive impact of the Coast Guard's actions in this rulemaking is the same.

One State, Rhode Island, has enacted regulations that this rule preempts. Our regulations on internal communications [46 CFR 27.215 and 27.315] preempt 46 R.I. Gen. Laws, § 12.5–23(d). Our regulations on automated fire-detection systems [46 CFR 27.210 and 27.310] preempt 46 R.I. Gen. Laws, § 12.5–23(e).

Since Rhode Island has indicated its willingness to accede to Federal regulation of towing vessels under similar circumstances [see 46 R.I. Gen. Laws, § 12.6–12], and since the Coast Guard knows of no other States that have enacted similar regulations pertaining to internal communications and fire-protection measures aboard towing vessels, the Coast Guard expects the Federalism implications of this rule to be minimal. However, if comments received indicate there is a need for further preemption analysis, the Coast Guard will conduct one.

Environment

The Coast Guard considered the environmental impact of this interim rule and concluded that under Figure 2–1, paragraphs (34) (c) and (d) of Commandant Instruction M16475.1C, this 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 46 CFR Part 27

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Vessels.

For the reasons discussed in the preamble, the Coast Guard adds 46 CFR part 27 to read as follows:

PART 27—TOWING VESSELS

Subpart A—General Provisions for Fire Protection on Towing Vessel

Subpart B—Fire Protection Measures for Existing Towing Vessels

Subpart C—Fire Protection Measures for New Towing Vessels

Authority: 46 U.S.C. 3306, 4102 (as amended by Pub. L. 104–324, 110 Stat. 3947); 49 CFR 1.46.

Subpart A—General Provisions for Fire Protection on Towing Vessels

§ 27.100 What towing vessels does this part affect?

(a) You must comply with this part if your towing vessel operates on the navigable waters of the United States, unless your towing vessel is described in paragraph (b) of this section.

(b) This part does not apply to you if your towing vessel is—

(1) Used solely within a limited geographic area, such as a fleeting-area for barges or a commercial facility, or used solely for restricted service, such as making up or breaking up larger tows;

(2) Used solely for assistance towing as defined by 46 CFR 10.103;

(3) Used solely for pollution response;

(4) Exempted by the Captain of the Port (COTP);

(5) A public vessel that is owned, or demise chartered, and operated by the United States Government or by a government of a foreign country; and that is not engaged in commercial service; or

(6) A foreign vessel engaged in innocent passage.

(c) If you think your towing vessel should be exempt from these requirements for a specified route, you should submit a written request to the appropriate COTP. The COTP will provide you with a written response granting or denying your request. The COTP will consider the extent to which unsafe conditions would result if your towing vessel lost propulsion because of a fire in the engine room.

§ 27.101 Definitions.

As used in this part—

Accommodations includes any:

(1) Messrooms.
(2) Lounges.
(3) Sitting areas.
(4) Recreation rooms.
(5) Quarters.
(6) Toilet spaces.
(7) Shower rooms.
(8) Galleys.
(9) Berthing facilities.
(10) Clothing-changing rooms.

Engine room means the enclosed area where any main-propulsion engine is

located. It comprises all deck levels within that area.

Existing Towing Vessel means a towing vessel that is not a new towing vessel.

Fixed fire-extinguishing system means a carbon-dioxide system that satisfies 46 CFR subpart 76.15; a manually-operated clean-agent system that satisfies NFPA 2001 and is approved by the Commandant; or a manually-operated water-mist system that satisfies NFPA 750 and is approved by the Commandant.

New Towing Vessel means a towing vessel the construction of which was contracted for on or after January 18, 2000.

Operating Station means the principal steering station on the vessel, from which the vessel is normally navigated.

Towing Vessel means a commercial vessel engaged in, or intending to engage in, pulling, pushing, or hauling alongside, or any combination of pulling, pushing, or hauling alongside.

We means the United States Coast Guard.

Working area means any area on the vessel where the crew could be present while on duty and performing their assigned tasks.

You means the owner of a towing vessel, unless otherwise specified.

§ 27.102 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, the Coast Guard must publish notice of the change in the **Federal Register** and make the material available for inspection. All approved material is so available at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC and at the U.S. Coast Guard, Office of Design and Engineering Standards (G–MSE), 2100 Second Street SW., Washington DC 20593–0001 and is available from the sources indicated in paragraph (b) of this section.

(b) The material approved for incorporation by reference in this part and the sections affected are:

American Boat and Yacht Council (ABYC), 3069 Solomons Island Road, Edgewater, MD 21037–1416
- H–25–1986—Portable Fuel Systems for Flammable Liquids 27.340
- H–33–1989—Diesel Fuel Systems 27.340

National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269–9101
- 302–1989—Pleasure and Commercial Motorcraft 27.340

Society of Automotive Engineers (SAE), 400 Commonwealth Drive, Warrendale, PA 15096–0001
- SAE J1475–1984—Hydraulic Hose Fitting for Marine Applications 27.340
- SAE J1942–1989—Hose and Hose Assemblies for Marine Applications 27.340

Subpart B-Fire Protection Measures for Existing Towing Vessels

§ 27.200 What are the requirements for an existing towing vessel?

If your existing towing vessel operates as described in § 27.100(a), you must ensure that it complies with §§ 27.205 through 27.245 of this part.

§ 27.205 What are the requirements for a general alarm on an existing towing vessel?

(a) By October 8, 2001, you must ensure that your vessel is fitted with a general alarm that:

(1) Has a contact maker at the operating station that can notify persons on board in the event of an emergency.

(2) Is capable of notifying persons in any accommodation, work space, and the engine room.

(3) In the engine room and any other area where background noise makes a general alarm hard to hear, has a supplemental flashing red light identified with a sign that reads:

Attention

General Alarm—When Alarm Sounds or Flashes Go to Your Station.

(4) Is tested at least once each week.

(b) You or the operator may use a public-address (PA) system or other means of alerting all persons on your towing vessel instead of a general alarm, if—

(1) The PA system is capable of notifying persons in any accommodation or work space or the engine room;

(2) It is tested at least once each week;

(3) It can be activated from the operating station; and

(4) It complies with paragraph (a)(3) of this section.

§ 27.210 What are the requirements for fire detection on an existing towing vessel?

By October 8, 2001, a fire-detection system must be installed on your vessel to detect engine-room fires. You must ensure that—

(a) Detectors, control units, and fire alarms are approved under 46 CFR subpart 161.002, or are listed by an independent testing laboratory;

(b) The system is installed, tested, and maintained per the manufacturer's design manual;

(c) The system is arranged and installed so a fire in the engine room automatically sets off visible and audible alarms on a control panel at the operating station;

(d) The control panel includes—

(1) A power-available light;

(2) A visible and audible alarm for each zone;

(3) A means to silence audible alarms while maintaining indication by visible alarm;

(4) A circuit-fault detector test-switch; and

(5) Labels for all switches and indicator lights, indicating their functions.

(e) The system is powered from two sources, switchover from the primary power source to the secondary source being either manual or automatic;

(f) The system is used for no other purpose; and

(g) The system is certified by a Registered Professional Engineer, or by a recognized classification society (under 46 CFR part 8), to meet the criteria listed in paragraphs (a) through (f) of this section.

§ 27.215 What are the requirements for internal communication on an existing towing vessel?

(a) By October 8, 2001, you must ensure that your vessel is fitted with a communication system between the engine room and operating station that—

(1) Is comprised of either fixed or portable equipment, such as a sound-powered telephone, portable radios, or other reliable method of voice communication, with a main or reserve power supply that is independent of the electrical system on your towing vessel; and

(2) Provides two-way voice communication and calling between the operating station and either—

(i) The engine room; or

(ii) A location immediately adjacent to an exit from the engine room.

(b) Twin-screw vessels with operating station control for both engines are not required to have an internal communication system.

(c) When the operating station control station and the engine room access are within 3 meters (10 feet) of each other and allow unobstructed visual contact between them, direct voice communication is acceptable instead of a communication system.

§ 27.220 If an existing towing vessel is 24 meters (79 feet) or longer in length, what are the requirements for fire pump, fire main, and fire hose? [Reserved]

§ 27.221 If an existing towing vessel is less than 24 meters (79 feet) in length, what are the requirements for fire pump and fire hose? [Reserved]

§ 27.225 What type of portable fire-extinguisher is required on an existing towing vessel? [Reserved]

§ 27.230 What are the requirements for a fuel shutoff on an existing towing vessel?

By October 8, 2001, you must have a remote fuel shutoff that meets § 27.340(f) installed on your vessel.

§ 27.235 Is a fire axe required on an existing towing vessel? [Reserved]

§ 27.240 What are the requirements for a muster list on an existing towing vessel? [Reserved]

§ 27.245 What are the crew-training requirements for fire emergencies on an existing towing vessel?

By January 19, 2000, you must ensure that drills, instruction and safety orientations that satisfy § 27.355 are performed on your vessel.

Subpart C—Fire Protection Measures for New Towing Vessels

§ 27.300 What are the requirements for a new towing vessel?

If your new towing vessel operates as described in § 27.100(a), then you must ensure that it complies with §§ 27.305 through 27.355 of this part.

§ 27.305 What are the requirements for a general alarm on a new towing vessel?

(a) You must ensure that your vessel is fitted with a general alarm system that:

(1) Has a contact maker at the operating station that can notify persons on board in the event of an emergency.

(2) Is capable of notifying persons in any accommodation, work space, and the engine room.

(3) In the engine room and any other area where background noise makes a general alarm hard to hear, has a supplemental flashing red light identified with a sign that reads:

Attention

General Alarm—When Alarm Sounds or Flashes Go to Your Station.

(4) Is tested at least once each week.

(b) You or the operator may use a PA system or other means of alerting all persons on your towing vessel instead of a general alarm, if—

(1) The PA system is capable of notifying persons in any accommodation or work space or the engine room;

(2) It is tested at least once each week;

(3) It can be activated from the operating station; and

(4) It complies with paragraph (a)(3) of this section.

§ 27.310 What are the requirements for fire detection on a new towing vessel?

A fire-detection system must be installed on your vessel to detect engine room fires. You must ensure that—

(a) Detectors, control units, and fire alarms are approved under 46 CFR subpart 161.002, or are listed by an independent testing laboratory;

(b) The system is installed, tested, and maintained per the manufacturer's design manual;

(c) The system is arranged and installed so a fire in the engine room automatically sets off visible and audible alarms on a control panel at the operating station;

(d) The control panel includes—

(1) A power-available light;

(2) A visible and audible alarm for each zone;

(3) A means to silence audible alarms while maintaining indication by visible alarm;

(4) A circuit-fault detector test-switch; and

(5) Labels for all switches and indicator lights, indicating their functions.

(e) The system is powered from two sources, switchover from the primary power source to the secondary source being either manual or automatic;

(f) The system is used for no other purpose; and

(g) The system is certified by a Registered Professional Engineer, or by a recognized classification society (under 46 CFR part 8), to meet the criteria listed in paragraphs (a) through (f) of this section.

§ 27.315 What are the requirements for internal communication on a new towing vessel?

(a) You must ensure that your vessel has a communication system between the engine room and operating station that—

(1) Is comprised of either fixed or portable equipment, such as a sound-powered telephone, portable radios, or other reliable voice communication method, with a main or reserve power supply that is independent of the electrical system on your towing vessel; and

(2) Provides two-way calling and voice communication between the operating station and either—

(i) The engine room; or

(ii) A location immediately adjacent to an exit from the engine room.

(b) Twin-screw vessels with operating station control for both engines are not required to have an internal communication system.

(c) When the operating station control station and the engine room access are within 3 meters (10 feet) of each other and allow unobstructed visual contact between them, direct voice communication is acceptable instead of a communication system.

§ 27.320 If a new towing vessel is 24 meters (79 feet) or longer in length, what are the requirements for fire pump, fire main, and fire hose? [Reserved]

§ 27.321 If a new towing vessel is less than 24 meters (79 feet) in length, what are the requirements for fire pump and fire hose? [Reserved]

§ 27.325 If a new towing vessel is 24 meters (79 feet) or longer in length, what type of fire-extinguishing equipment must it carry? [Reserved]

§ 27.326 If a new towing vessel is less than 24 meters (79 feet) in length, what type of fire-extinguishing equipment must it carry? [Reserved]

§ 27.340 What are the requirements for a fuel system on a new towing vessel?

(a) You must ensure that, except for the components of an outboard engine or of a portable bilge pump or fire pump, each fuel system installed on board the vessel meets the requirements of this section.

(b) *Portable fuel systems.* The vessel must not incorporate or carry portable fuel systems, including portable tanks and related fuel lines and accessories, except when used for outboard engines or when permanently attached to portable equipment such as portable bilge or fire pumps. The design, construction, and stowage of portable tanks and related fuel lines and accessories must meet the requirements of ABYC H–25 (incorporated by reference at § 27.102(b)).

(c) *Fuel restrictions.* Neither you nor the operator may use fuel other than bunker C or diesel, except for outboard engines, or where otherwise accepted by the Commandant (G–MSE). An installation that uses bunker C must comply with the requirements of subchapter F of this chapter.

(d) *Vent pipes for integral fuel tanks.* Each integral fuel tank must meet the requirements of this paragraph as follows:

(1) Each fuel tank must have a vent system that connects to the highest point of the tank and discharges on a weather deck through a bend of 3.14 radians (180 degrees) fitted with a 30-by-30 mesh corrosion-resistant flame screen;

(2) The net cross-sectional area of the vent pipe for the tank must be—

(i) Not less than 312.3 square millimeters (0.484 square inches), or

(ii) Not less than that of the fill pipe when provision is made to fill a tank under pressure.

(e) *Fuel piping.* Except as permitted in paragraphs (e)(1) and (2) of this section, each fuel line must be seamless and made of steel, annealed copper, nickel-copper, or copper-nickel. Each fuel line must have a wall thickness of not less than 0.9 millimeters (0.035 inch) except that—

(1) Aluminum piping is acceptable on an aluminum-hull vessel if it is installed outside the engine room and is at least Schedule 80 in thickness; and

(2) Nonmetallic flexible hose is acceptable if it—

(i) Is used in lengths of not more than 0.76 meters (30 inches);

(ii) Is visible and easily accessible;

(iii) Does not penetrate a watertight bulkhead;

(iv) Is fabricated with an inner tube and a cover of synthetic rubber or other suitable material reinforced with wire braid; and

(v) Either—

(A) If it is designed for use with compression fittings, is fitted with suitable, corrosion-resistant, compression fittings, or fittings compliant with SAE J1475 (incorporated by reference at § 27.102(b)); or

(B) If it is designed for use with clamps, is installed with two clamps at each end of the hose. Clamps must not rely on spring tension and must be installed beyond the bead or flare or over the serrations of the mating spud, pipe, or hose fitting. Installations complying with SAE J1475 are also acceptable.

(3) Nonmetallic flexible hose is also acceptable if it complies with SAE J1942 (incorporated by reference at § 27.102(b)).

(f) A fuel line subject to internal head pressure from fuel in the tank must be fitted with a positive shutoff valve, located at the tank and operable from a safe place outside the space in which the valve is located.

(g) A new towing vessel less than 24 meters (79 feet) in length may comply with any of the following standards for fuel systems instead of the requirements of paragraph (e) of this section:

(1) ABYC H–33 (incorporated by reference at § 27.102(b)).

(2) Chapter 5 of NFPA 302 (incorporated by reference at § 27.102(b)).

(3) 33 CFR Chapter I, subchapter S (Boating Safety).

§ 27.345 Is a fire axe required on a new towing vessel? [Reserved]

§ 27.350 What are the requirements for a muster list on a new towing vessel? [Reserved]

§ 27.355 What are the requirements for instruction, drills, and safety orientations conducted on a new towing vessel?

(a) *Drills and instruction.* The master or person in charge of a vessel must ensure that each crewmember participates in drills and receives instruction at least once each month. The instruction may coincide with the drills, but need not. It must ensure that all crewmembers are familiar with their fire-fighting duties, and specifically, the following contingencies:

(1) Fighting a fire in the engine room and other locations on board the vessel, including how to—

(i) Operate all of the fire-extinguishing equipment on board the vessel;

(ii) Stop the mechanical ventilation system for the engine room if provided, and effectively seal all natural openings to the space to prevent leakage of the extinguishing agent; and

(iii) Operate the fuel shutoff for the engine room.

(2) Activating the general alarm.

(3) Reporting inoperative alarm systems and fire-detection systems.

(4) Putting on a fireman's outfit and a self-contained breathing apparatus, if the vessel is so equipped.

(b) *Alternative form of instruction.* The master or person in charge of a vessel may substitute, for the requirement of instruction in paragraph (a) of this section, the viewing of videotapes concerning at least the contingencies listed in paragraph (a), followed by a discussion led by someone familiar with these contingencies. This instruction may occur either on or off the vessel.

(c) *Participation in drills.* Drills must take place on board the vessel, as if there were an actual emergency. They must include—

(1) Participation by all crewmembers;

(2) Breaking out and using emergency equipment;

(3) Testing of all alarm and detection systems; and

(4) At least one person putting on protective clothing, if the vessel is so equipped.

(d) *Safety orientation.* The master or person in charge of a vessel must ensure that each crewmember who has not received the instruction and has not participated in the drills required by paragraph (a) of this section receives a safety orientation before the vessel gets underway.

(e) The safety orientation must cover the specific contingencies listed in paragraph (a) of this section.

Dated: October 4, 1999.

J.C. Card,

Vice Admiral, U.S. Coast Guard, Acting Commandant

[FR Doc. 99–26848 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 0

[GC Docket No. 96–55; FCC 98–184]

Examination of Current Policy Concerning the Treatment of Confidential Information Submitted to the Commission

AGENCY: Federal Communications Commission.

ACTION: Announcement of OMB approval of information collection requirements.

SUMMARY: This document announces the approval of the two information collections contained in the Commission's decision published August 18, 1998. That decision discussed policies and amended the rules concerning the treatment of confidential information submitted to the Commission, including the showing to be made in a request for confidential treatment of information, and record keeping requirements for the Model Protective Order.

DATES: The recordkeeping information collection requirements published at 63 FR 44161 (August 18, 1998) was approved by OMB on May 17, 1999.

FOR FURTHER INFORMATION CONTACT: Laurence H. Schecker, Office of General Counsel, (202) 418–1720.

SUPPLEMENTARY INFORMATION: On November 11, 1998, the Office of Management and Budget (OMB) granted emergency approval for the amendment of 47 CFR 0.459(b) and the record keeping requirement contained in the Model Protective Order pursuant to OMB Control No. 3060–0682. OMB approved these two information collections on May 17, 1999, also pursuant to OMB Control No. 3060–0682.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–27165 Filed 10–18–99; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Docket No. OST–1999–6189]

Organization and Delegation of Powers and Duties; Rescission of Delegation to the Administrator, Federal Highway Administration and Redelegation to Director, Office of Motor Carrier Safety

AGENCY: Office of the Secretary, DOT.

ACTION: Final rule.

SUMMARY: The Secretary of Transportation (Secretary) rescinds the currently delegated authority of the Federal Highway Administrator to perform motor carrier safety functions and operations and redelegates it to the Director of a new Office of Motor Carrier Safety in the Department of Transportation. This action enables the Department to continue most of the activities performed by the Federal Highway Administration's Office of Motor Carrier Safety consistently with section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act.

EFFECTIVE DATE: This rule is effective on October 9, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Charles Medalen, Office of the Chief Counsel, HCC–20, (202) 366–1354, Department of Transportation, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590; or Ms. Gwyneth Radloff, Office of the General Counsel, (202) 366–9319, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded by using a computer, modem, and suitable communications software from the Government Printing Office's Electronic Bulletin Board Service at (202) 512–1661. Internet users may reach the Office of the **Federal Register**'s home page at: *http://www.nara.gov/fedreg* and the Government Printing Office's database at: *http://www.access.gpo.gov/nara*. You can also view and download this document by going to the webpage of the Department's Docket Management System (*http://dms.dot.gov/*). On that page, click on ''search.'' On the next page, type in the four-digit docket number shown on the first page of this document (6189). Then click on ''search.''

Background

Section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act (Public Law 106–69) prohibits the Federal Highway Administration (FHWA) from spending funds to carry out the functions and operations of its Office of Motor Carriers (OMC). The legislation provides that, if the Secretary delegates those functions and operations outside of the FHWA, the funds shall also be transferred. Accordingly, the Secretary is rescinding the current delegation of his authority to the Federal Highway Administrator in 49 CFR 1.48 (h), (i), (p), (u), (v), (w), (z), (aa), (hh), (ii), and (jj) to carry out motor carrier functions and operations and gives notice that the Director of a new Office of Motor Carrier Safety in the Department of Transportation will exercise those functions and operations to the full extent permitted by section 338. This rule amends 49 CFR 1.4 and adds a new § 1.73 to reflect the Secretary's redelegation of these motor carrier functions to the new Office of Motor Carrier Safety.

Duties and powers related to motor carrier safety, vested in the Secretary by chapter 5 and 315 of title 49, U.S.C., are specifically delegated by statute to the Federal Highway Administrator by 49 U.S.C. 104(c)(2) and cannot be exercised or transferred by the Secretary without legislative approval. However, the second proviso of section 338 states that ''notwithstanding section 104(c)(2) of title 49, United States Code, the Federal Highway Administrator shall not carry out the duties and functions vested in the Secretary under 49 U.S.C. 521(b)(5).'' Because 49 U.S.C. 521 specifically authorizes ''the Secretary'' to take enforcement action, 49 U.S.C. 104(c)(2) is merely a limitation on the Secretary's power to transfer that authority. Section 338 now prohibits the Federal Highway Administrator from carrying out the imminent hazard authority of 49 U.S.C. 521(b)(5), so the general authority of the Secretary to implement that subsection is restored and may be redelegated. Accordingly, authority to carry out section 521(b)(5) is redelegated by this rule to the director of the new Office of Motor Carrier Safety. It is the only function from chapters 5 or 315 of title 49, United States Code, that is subject to this delegation. Although civil penalty actions are prohibited, the Secretary has authority to take other enforcement actions, such as issuing roadside out-of-service orders under 49 CFR 396.9(c) or 395.13 (a) and (b) and imminent hazard orders under section 521(b)(5) of title 49, United States Code.

This rule is being published as a final rule and made effective on the date signed by the Secretary of Transportation. As the rule relates to Departmental organization, procedure, and practice, notice and comment on it are unnecessary under 5 U.S.C. 553(b). In addition, the functions addressed in this rule had to be transferred immediately in order that the Department's motor carrier safety program could continue to the extent permitted by section 338 of the FY 2000 Department of Transportation and Related Agencies Appropriations Act. For this reason, the Secretary for good cause finds, under 5 U.S.C. 553(d)(3), to make this rule effective in less than 30 days after publication.

List of Subjects in 49 CFR Part 1

Authority delegations (Government agencies), Organization and functions (Government agencies).

In consideration of the foregoing, Part 1 of title 49, Code of Federal Regulations, is amended as follows:

PART 1—[AMENDED]

1. The authority citation for Part 1 is revised to read as follows:

Authority: 49 U.S.C. 322; 46 U.S.C. 2104(a); 28 U.S.C. 2672; 31 U.S.C. 3711(a)(2); Pub. L. 101–552, 104 Stat. 2736; Pub L. 106–69, 113 Stat. 1022.

§ 1.4 [Amended]

2. In § 1.4, remove paragraph (d)(5) and redesignate paragraph (d)(6) as new paragraph (d)(5).

§ 1.48 [Amended]

3. In § 1.48, remove and reserve paragraphs (h), (i), (p), (u), (v), (w), (z), (aa), (hh), (ii), and (jj).

4. Add § 1.73 to read as follows:

§ 1.73 Delegation to the Director of the Office of Motor Carrier Safety.

The Director of the Office of Motor Carrier Safety is delegated authority to:

(a) Carry out the functions and exercise the authority vested in the Secretary by 49 U.S.C., Subtitle IV, part B:

(1) Chapter 131, relating to general provisions on transportation policy;

(2) Chapter 133, relating to administrative provisions;

(3) Chapter 135, relating to jurisdiction;

(4) Chapter 137, sections 13702(a), 13702(c)(1), 13702(c)(2), 13702(c)(3), 13704, 13707, and 13708, relating to rates, routes, and services;

(5) Chapter 139, relating to registration and financial responsibility requirements;

(6) Chapter 141, subchapter I and sections 14121 and 14122 of subchapter II, relating to operations of motor carriers;

(7) Chapter 145, sections 14501, 14502, and 14504, relating to Federal-State relations;

(8) Chapter 147, sections 14701 through 14708, relating to enforcement remedies, investigations, and motor carrier liability; and

(9) Chapter 149, sections 14901 through 14913, relating to civil and criminal penalties for violations of 49 U.S.C., Subtitle IV, part B.

(b) Carry out the functions and exercise the authority vested in the Secretary by sections 104, 403(a), and 408 of the ICC Termination Act of 1995, Public Law 104–88, 109 Stat. 803, relating to miscellaneous motor carrier provisions, railroad-highway grade crossing regulation and fatigue-related issues pertaining to commercial motor vehicle safety.

(c) Carry out the functions vested in the Secretary by 42 U.S.C. 4917 relating to procedures for the inspection, surveillance and measurement of commercial motor vehicles for compliance with interstate motor carrier noise emission standards and related enforcement activities including the promulgation of necessary regulations.

(d)(1) Carry out the functions vested in the Secretary by 49 U.S.C. 5121(a), (b), and (c), 5122(a) and (b), 5123, and 5124, relating to investigations, records, inspections, penalties, and specific relief so far as they apply to the transportation or shipment of hazardous materials by highway, including the manufacture, fabrication, marking, maintenance, reconditioning, repair or test of containers which are represented, marked, certified, or sold for use in the bulk transportation of hazardous materials by highway.

(2) Carry out the functions vested in the Secretary by 49 U.S.C. 5112 relating to highway routing of hazardous materials; 5109 relating to motor carrier safety permits, except subsection (f); 5125(a) and (c)–(f), relating to preemption determinations or waivers of preemption of hazardous materials highway routing requirements; 5105(e) relating to inspections of motor vehicles carrying hazardous material; 5119 relating to uniform forms and procedures; and 5127(f) and (g) relating to credits to appropriations and availability of amounts.

(e) Carry out the functions vested in the Secretary by 49 U.S.C. chapter 313 relating to commercial motor vehicle operators.

(f) Carry out the functions vested in the Secretary by 49 U.S.C. 13906, 31138 and 31139 relating to financial responsibility requirements for motor carriers, brokers, and freight forwarders.

(g) Carry out the functions vested in the Secretary by subchapters I and III of chapter 311, title 49, U.S.C., relating to commercial motor vehicle programs and safety regulation.

(h) Carry out the functions vested in the Secretary by 49 U.S.C. 5708 relating to food transportation inspections; 5710 relating to the Secretary's powers to administer the sanitary food transportation regulations; 5711 relating to enforcement of sanitary food transportation regulations and applicable penalties; 5712 and 5714 relating to Federal-State relations; and 5113 and 31144 relating to safety fitness of owners and operators.

(i) Carry out the functions vested in the Secretary by 49 U.S.C. 5118 relating to the use of inspectors to promote safety in the highway transportation of radioactive material; and 49 U.S.C. 31142(f) relating to application of State regulations to government-leased vehicles and operators.

(j) Carry out the functions vested in the Secretary by 49 U.S.C. 521(b)(5) relating to operations that pose an imminent hazard to safety.

(k) Carry out the functions and exercise the authority delegated to the Secretary in section 2(d)(2) of Executive Order 12777 (3 CFR, 1992 Comp., p. 351), with respect to highway transportation, relating to the approval of means to ensure the availability of private personnel and equipment to remove, to the maximum extent practicable, a worst case discharge, the review and approval of response plans, and the authorization of motor carriers, subject to the Federal Water Pollution Control Act (33 U.S.C. 1321), to operate without approved response plans, except as delegated in 49 CFR 1.46(m).

Issued in Washington, DC, on October 9, 1999.

Rodney E. Slater,

Secretary of Transportation.

Appendix to Preamble—Possible Congressional Action

There is a possibility of further Congressional action regarding motor carrier functions and operations. If any subsequent law is enacted, the redelegation will be amended accordingly and published in the **Federal Register** as soon as practicable.

[FR Doc. 99–27333 Filed 10–15–99; 1:47 pm]

BILLING CODE 4910–62–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304062–9062–01; I.D. 101399B]

Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of other rockfish in the Central Regulatory Area of the Gulf of Alaska (GOA). NMFS is requiring that catch of other rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the 1999 total allowable catch (TAC) of other rockfish in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 14, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Pearson 907–481–1780 or tom.pearson@noaa.gov.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications of Groundfish for the GOA established the 1999 TAC of other rockfish in the Central Regulatory Area of the GOA as 650 metric tons (64 FR 12094, March 11, 1999). See § 679.20(c)(3)(ii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the 1999 TAC of other rockfish in the Central Regulatory Area of the GOA has been achieved. Therefore, NMFS is requiring that further catches of other rockfish in the Central Regulatory Area of the GOA be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the 1999 TAC of other rockfish in the Central Regulatory Area of the GOA. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the 1999 TAC of other rockfish in the Central Regulatory Area of the GOA. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 13, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–27232 Filed 10–14–99; 3:48 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 101399D]

Fisheries of the Exclusive Economic Zone Off Alaska; Other Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of other rockfish in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of other rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the 1999 total allowable catch (TAC) of other rockfish in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 14, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the amount of the 1999 TAC of other rockfish in the Aleutian Islands subarea of the BSAI as 583 metric tons. See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 TAC for other rockfish in the Aleutian Islands subarea of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of other rockfish in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 TAC for other rockfish in the Aleutian Islands subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 TAC for other rockfish in the Aleutian Islands subarea of the BSAI. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: October 13, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–27231 Filed 10–14–99; 3:48 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 990304063–9063–01; I.D. 101399C]

Fisheries of the Exclusive Economic Zone Off Alaska; Sharpchin and Northern Rockfish in the Aleutian Islands Subarea of the Bering Sea and Aleutian Islands Management Area

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting retention of sharpchin and northern rockfish in the Aleutian Islands subarea of the Bering Sea and Aleutian Islands management area (BSAI). NMFS is requiring that catch of sharpchin and northern rockfish in this area be treated in the same manner as prohibited species and discarded at sea with a minimum of injury. This action is necessary because the amount of the final 1999 initial total allowable catch (ITAC) of sharpchin and northern rockfish in this area has been achieved.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), October 14, 1999, until 2400 hrs, A.l.t., December 31, 1999.

FOR FURTHER INFORMATION CONTACT: Mary Furuness, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the BSAI according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Final 1999 Harvest Specifications of Groundfish for the BSAI (64 FR 12103, March 11, 1999) established the amount of the 1999 Final ITAC of sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI as 3,913 metric tons. See § 679.20(c)(3)(iii).

In accordance with § 679.20(d)(2), the Administrator, Alaska Region, NMFS, has determined that the amount of the 1999 ITAC for sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI has been achieved. Therefore, NMFS is requiring that further catches of sharpchin and

northern rockfish in the Aleutian Islands subarea of the BSAI be treated as prohibited species in accordance with § 679.21(b).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the amount of the 1999 ITAC for sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. The fleet has taken the amount of the 1999 ITAC for sharpchin and northern rockfish in the Aleutian Islands subarea of the BSAI. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

This action is required by § 679.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq*.

Dated: October 13, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–27230 Filed 10–14–99; 3:33 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 64, No. 201
Tuesday, October 19, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 20

Control of Release of Solid Materials at Licensed Facilities: Notice of Extension of Public Comment Period on Issues Paper

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of extension of public comment period on Issues Paper.

SUMMARY: The Nuclear Regulatory Commission (NRC) is conducting an early and ongoing enhanced participatory process to consider issues and possible alternatives related to setting specific requirements on control of releases of solid materials. The NRC previously announced that the public comment period to provide early input on the issues and alternatives would end on November 15, 1999, however it is extending the comment period to December 22, 1999.

FOR FURTHER INFORMATION CONTACT: Frank Cardile; e-mail *fpc@nrc.gov*, telephone: (301) 415–6185; Office of Nuclear Material Safety and Safeguards, USNRC, Washington DC 20555–0001.

SUPPLEMENTARY INFORMATION: The NRC previously announced in a **Federal Register** Notice (FRN) dated June 30, 1999 (64 FR 35090), that it is considering issues and possible alternatives related to setting specific requirements on control of releases of solid materials. The FRN included an Issues Paper which describes issues and possible alternatives related to controlling the release of solid materials. The FRN also indicated that NRC is supplementing its standard rulemaking process by conducting enhanced public participatory activities to solicit early and ongoing public input, including whether the NRC should proceed with a rulemaking. This enhanced process includes four facilitated public meetings which were originally scheduled from August through November 1999, in Chicago, San Francisco, Atlanta, and Washington, DC. It also included a request in the FRN for written or electronic comments on the Issues Paper to be submitted by November 15, 1999.

The first public meeting planned was to be held in Chicago, Illinois, on August 4 and 5, 1999. However the NRC decided to postpone the Chicago meeting and reschedule it because several stakeholder groups indicated that the short time frame between publication of the June 30, 1999, FRN and the August 4–5 meeting did not allow for adequate preparation and participation. The postponed meeting has been rescheduled for December 7–8, 8:30 am–5:00 pm, in Chicago, IL, at the Palmer House Hilton, 17 East Monroe Street.

To coincide with the rescheduling of the Chicago meeting, the NRC is extending the period for submittal of written and electronic comments until December 22, 1999.

Dated at Rockville, Maryland, this 13th day of October 1999.

For the Nuclear Regulatory Commission.

Catherine Haney,

Acting Chief, Rulemaking and Guidance Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 99–27208 Filed 10–18–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1750

RIN 2550–AA02

Risk-Based Capital

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Proposed rule; extension of public comment period for the second notice of proposed rulemaking.

SUMMARY: On April 13, 1999, the Office of Federal Housing Enterprise Oversight (OFHEO) published a notice of proposed rulemaking (NPR) entitled ''Risk-Based Capital'' in the **Federal Register** (64 FR 18083). This notice, known as NPR 2, is the second such proposal related to the development of a regulation to establish risk-based capital standards for the Federal Home Loan Mortgage Corporation (Freddie Mac) and the Federal National Mortgage Association (Fannie Mae). NPR 2 sets forth the specifications for the risk-based capital stress test, completing OFHEO's risk-based capital proposal.

On June 14, 1999, OFHEO issued a notice granting earlier requests to extend the comment period on NPR 2 from August 11, 1999 to November 10, 1999. OFHEO has recently received additional requests to extend the comment period beyond November 10, 1999. Those requesting another extension to the comment period state that they need additional time to replicate and analyze the stress test and to understand the test as applied to a variety of possible starting points.

OFHEO is extending the comment period for NPR 2 from November 10, 1999 to March 10, 2000. This decision is based on OFHEO's recognition that the commenters need additional time to replicate the stress test and analyze the proposal. This extension will insure that all interested parties have ample opportunity to participate in the rulemaking process by providing meaningful comment on the various technical and policy issues involved in the development of the risk-based capital regulation.

DATES: The comment period is extended until March 10, 2000.

ADDRESSES: Send written comments to Anne E. Dewey, General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Written comments may also be sent by electronic mail to RegComments@OFHEO.gov.

FOR FURTHER INFORMATION CONTACT: Patrick J. Lawler, Director of Policy Analysis and Chief Economist; David J. Pearl, Director, Research, Analysis and Capital Standards; or Gary L. Norton, Special Counsel to the Director, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552, telephone (202) 414–3800 (not a toll-free number). The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

Dated: October 13, 1999.

Armando Falcon,

Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 99–27179 Filed 10–18–99; 8:45 am]

BILLING CODE 4220–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Chapter 1

[Docket No. FAA–1999-6342]

Occupational Safety and Health Issues for Airline Employees

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting and request for comments.

SUMMARY: The FAA prescribes and enforces standards and regulations affecting occupational safety and health with respect to U.S.-registered civil aircraft in operation. These regulatory responsibilities directly and completely encompass the safety and health aspects of the work environment of aircraft crewmembers. However, the FAA has not promulgated specific regulations that address all employee safety and health issues associated with working conditions on aircraft. The FAA will hold a public meeting on December 10, 1999, to gather information on issues that have not been previously regulated. If the results of the review suggest that specific regulations should be adopted in response to occupational safety and health issues for airline employees, the changes will be proposed through the regulatory process.

DATES: The public meeting will be on December 10, 1999, in Washington, DC. The meeting will begin at 9 a.m. Persons not able to attend a meeting are invited to provide written comments, which must be received on or before March 8, 2000.

ADDRESSES: The public meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 in the 3rd floor auditorium. Persons unable to attend the meeting may mail their comments in duplicate to: U.S. Department of Transportation Dockets, Docket No. FAA–1999–6342, 400 Seventh Street, SW., Plaza Room 401, Washington, DC 20590. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: *http://dms.dot.gov/* at anytime. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site. Comments may be filed and/or examined at the Department of Transportation Dockets, Plaza Room 401 between 10 a.m. and 5 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the meeting or questions regarding the logistics of the meeting should be directed to Ms. Cindy Nordlie, Federal Aviation Administration, Office of Rulemaking, ARM–108, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7627; fax (202) 267–5075.

Questions concerning the subject matter of the meeting should be directed to Mr. Gene Kirkendall, Federal Aviation Administration, Flight Standards Service, AFS–220, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–7701; fax (202) 267–5229.

SUPPLEMENTARY INFORMATION:

Background

In a 1975 **Federal Register** notice (40 FR 29114, July 10, 1975), the Federal Aviation Administration (FAA) stated that pursuant to its complete and exclusive responsibility for the regulation of the safety of civil aircraft, the FAA prescribes and enforces standards and regulations affecting occupational safety or health with respect to U.S.-registered civil aircraft in operation. (An aircraft was described as ''in operation'' from the time it is first boarded by a crewmember, preparatory to a flight, to the time the last crewmember leaves the aircraft after completion of that flight, including stops on the ground during which at least one crewmember remains on the aircraft, even if the engines are shut down.) The FAA added that, with respect to civil aircraft in operation, these regulatory responsibilities directly and completely encompass the safety and health aspects of the work environment of aircraft crewmembers. The FAA stated that aircraft design and operational factors are indivisible from occupational safety or health factors insofar as they affect the workplace of those crewmembers and that aircraft design and operational problems affecting the flight safety of crewmembers necessarily affect their occupational safety or health. The FAA also noted that regulatory solutions to these problems necessarily involve practices, means, methods, operations, or processes needed to control the workplace environment of aircraft crewmembers.

In the notice, the FAA stated that it had issued numerous regulations directly affecting the workplace of pilots, flight engineers, flight attendants, and other persons whose workplace is on an aircraft in operation. Such regulations included aircraft performance and structural integrity, safety equipment for emergency ditching and evacuation, fire protection, protective breathing rescue aids, and emergency exits used by crewmembers. Other regulations affecting the crewmember workplace have addressed cockpit lighting, crewmember seat belts, toxicity and other characteristics of materials in the crewmember workplace, noise reduction, smoke evacuation, ventilation, heating, and pressurization.

The FAA is now reviewing its regulatory oversight of occupational safety and health issues for airline employees. If the results of the review suggest that specific regulation of areas involving occupational safety and health issues is appropriate for airline employees, the changes would be proposed through the regulatory process.

The FAA considered a number of alternative approaches to occupational safety and health concerns. During a preliminary review, the FAA considered delegating certain areas of responsibility to the Occupational Safety and Health Administration (OSHA), similar to what was developed by the Federal Railroad Administration in 1978. However, the FAA has determined that this would be impractical for several reasons including: (1) State OSHA requirements can be more protective than Federal OSHA requirements and can vary among states, resulting in multiple standards; (2) current OSHA requirements were not developed for aircraft in operation; and (3) OSHA's jurisdiction is limited to the United States and therefore would not apply to international operations. The FAA also considered voluntary programs by airlines, but questions whether voluntary programs would be adequate because there would not be standardization among the airlines regarding occupational safety and health issues.

Specific Issues for Public Comment

There are several specific issues on which the FAA seeks comment at the public meeting. These key issues are intended to help focus public comments on areas about which information is needed by the FAA in completing its review of the occupational safety and health issues for airline employees. The comments at the meeting need not be

limited to these issues, and the FAA invites comments on any other aspect of occupational safety and health on aircraft in operation.

(1) Are there specific crewmember occupational safety and health concerns? If so, what are they?

(2) What recordkeeping data is available that documents injuries and illnesses related to crewmember and other employee occupational safety and health concerns? Should recordkeeping be standardized?

(3) How are aviation employees other than crewmembers (such as ground service employees and maintenance workers) currently protected by FAA regulations, and should the working conditions of these employees be included in possible future rulemaking? Should the FAA modify its rules about maintenance manuals?

(4) Describe how occupational safety and health hazards vary when the aircraft is airborne versus when it is on the ground.

(5) Are there any safety issues related to operations on airport ramp areas that the FAA should address?

(6) In the development of its own occupational safety and health standards, what, if any, OSHA standards should the FAA use as the basis for future FAA standards?

(7) What procedures should be established to identify and remedy issues not addressed by OSHA regulations?

(8) Are any air carriers currently supporting occupational safety and health programs for their employees? If so, what do the programs include?

(9) What are the potential impact and implementation problems associated with the FAA developing occupational safety and health standards to protect airline employee safety and health?

Input is encouraged from government agencies such as OSHA, the Environmental Protection Agency, the National Institutes for Occupational Safety and Health, and the Centers for Disease Control and from advisory groups such as the American Industrial Hygiene Association and the American Society for Safety Engineers.

Participation at the Meeting

Requests from persons who wish to present oral statements at the meeting should be received by the FAA no later than November 22, 1999. Such requests should be submitted to Cindy Nordlie, as listed above in the section titled **FOR FURTHER INFORMATION CONTACT** and should include a written summary of oral remarks to be presented and an estimate of time needed for the presentation. The FAA will prepare an agenda of speakers that will be available at the meeting. The names of those individuals whose requests to present oral statements are received after the date specified above may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested. Persons requiring audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Public Meeting Procedures

The FAA will use the following procedures to facilitate the meeting:

(1) There will be no admission fee or other charge to attend or to participate in the meeting. The meeting will be open to all persons who are scheduled to present statements or who register between 8:30 a.m. and 9 a.m. on the day of the meeting. While the FAA will make every effort to accommodate all persons wishing to participate, admission will be subject to availability of space in the meeting room. The meeting may adjourn early if scheduled speakers complete their statements in less time than is scheduled for the meeting.

(2) An individual, whether speaking in a personal or a representative capacity on behalf of an organization, may be limited to a 10-minute statement. If possible, we will notify the speaker if additional time is available.

(3) The FAA will try to accommodate all speakers. If the available time does not permit this, speakers generally will be scheduled on a first-come-first-served basis. However, the FAA reserves the right to exclude some speakers if necessary to present a balance of viewpoints and issues.

(4) Sign and oral interpretation can be made available at the meeting, as well as an assistive listening device, if requested 10 calendar days before the meeting.

(5) Representatives of the FAA will preside over the meeting. A panel of FAA personnel involved in this issue will be present.

(6) The meeting will be recorded by a court reporter. A transcript of the meeting and any material accepted by the FAA representatives during the meeting will be included in the public docket. Any person who is interested in purchasing a copy of the transcript should contact the court reporter directly. Additional transcript purchase information will be available at the meeting.

(7) The FAA will review and consider all material presented by participants at the meeting. Position papers or material presenting views or arguments related to the occupational safety and health of crewmembers may be accepted at the discretion of the presiding officer and subsequently placed in the public docket. The FAA requests that persons participating in the meeting provide six copies of all materials to be presented for distribution to the FAA representatives; other copies may be provided to the audience at the discretion of the participant.

(8) Statements made by FAA representatives are intended to facilitate discussion of the issues or to clarify issues. Any statement made during the meeting by an FAA representative is not intended to be, and should not be construed as, a position of the FAA.

(9) The meeting is designed to solicit public views and gather additional information on the occupational safety and health of crewmembers and other issues discussed in this notice. Therefore, the meeting will be conducted in an informal and non-adversarial manner. No individual will be subject to cross-examination by any other participant; however, FAA representatives may ask questions to clarify a statement and to ensure a complete and accurate record.

Issued in Washington, DC on October 4, 1999.

Margaret Gilligan,

Deputy Associate Administrator for Regulation and Certification.

[FR Doc. 99–27156 Filed 10–13–99; 4:52 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–208–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747–400 and 767–200 and –300 Series Airplanes Powered by Pratt & Whitney Model PW4000 Series 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 certain Boeing Model 747–400 and 767–200 and –300 series airplanes. This proposal would require repetitive inspections to detect damage and wear of the auxiliary track assembly of the thrust reverser, and corrective actions, if necessary. This proposal would also

require eventual replacement of the liner and slider, or the entire assembly, with new, improved parts, which, when accomplished, would terminate the repetitive inspections. This proposal is prompted by reports of damage and wear to the auxiliary track assembly. The actions specified by the proposed AD are intended to prevent a slider disengaging from the auxiliary track assembly, which could lead to separation of a portion of the thrust reverser from the airplane during flight, possible impact of separated portions on airplane structure, and consequent possible rapid decompression of the airplane, reduced controllability of the airplane, or reduced structural integrity of the fuselage.

DATES: Comments must be received by December 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–208–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Sulmo Mariano, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2686; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this 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–NM–208–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–208–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that damage and wear was found on the upper and lower auxiliary track assemblies of the thrust reverser halves on Boeing Model 747 and 767 series airplanes equipped with Pratt & Whitney Model PW4000 series engines. Further investigation revealed that the damage and wear is caused by loss of the Rulon J tape on the slider of the auxiliary track assembly. This condition, if not corrected, could result in a slider disengaging from the auxiliary track assembly, which could lead to separation of a portion of the thrust reverser from the airplane during flight, possible impact of separated portions on airplane structure, and consequent possible rapid decompression of the airplane, reduced controllability of the airplane, or reduced structural integrity of the fuselage.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–78A2164, Revision 2, dated December 3, 1998 (for Model 747–400 series airplanes), and Boeing Service Bulletin 767–78A0079, Revision 2, dated December 3, 1998 (for Model 767–200 and –300 series airplanes). These service bulletins describe procedures for repetitive inspections of the auxiliary track assembly of the thrust reverser to detect missing segments of the track lip; to detect signs that the slider has disengaged from the track; to detect cracks, gouges, and wear of the liner; and to measure the auxiliary track liner gap. The service bulletins also describe procedures for temporary repairs and repetitive inspections of those repairs, if necessary. The service bulletins describe procedures for replacement of the liner and slider with a new, improved liner and slider, installation of a retainer bar, and replacement of the auxiliary track assembly with a new, improved assembly. Such modifications eliminate the need for repetitive inspections. Accomplishment of the actions specified in the applicable service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Differences Between Proposed Rule and Service Bulletins

Operators should note that this proposed AD would mandate, at various compliance times depending on the findings during the repetitive inspections, the replacement of the liner and slider, or the entire auxiliary track assembly, with new, improved parts. Such replacement is described in the service bulletins as optional terminating action for the repetitive inspections.

The FAA has determined that long-term continued operational safety will be better assured by design changes to remove the source of the problem, rather than by repetitive inspections. Long-term inspections may not be providing the degree of safety assurance necessary for the transport airplane fleet. This, coupled with a better understanding of the human factors associated with numerous continual inspections, has led the FAA to consider placing less emphasis on inspections and more emphasis on design improvements. The proposed replacement requirement is consistent with these conditions.

The service bulletins describe, for certain damage or wear detected on the auxiliary track assembly, replacement of the liner and slider with a new, improved liner and slider, installation of a retainer bar, and a one-time inspection of the repair as a permanent repair. The service bulletins state that such actions would eliminate the need for the repetitive inspections. The proposed AD would only allow this repair as a temporary repair and would

require eventual replacement of the repaired auxiliary track assembly with a new, improved assembly. The FAA has determined that this repair would not prevent excessive damage and wear in the future because the cause of that damage and wear is related to how the parts mate during installation, and, therefore, such repair would not prevent the subject unsafe condition.

Cost Impact

There are approximately 254 airplanes of the affected design in the worldwide fleet. The FAA estimates that 12 Model 747–400 series airplanes and 46 Model 767–200 and –300 series airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 4 work hours per engine to accomplish the proposed repetitive inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators of Model 747–400 series airplanes (4 engines per airplane) is estimated to be $11,520, or $960 per airplane, per inspection cycle. The cost impact of the proposed AD on U.S. operators of Model 767 series airplanes (2 engines per airplane) is estimated to be $22,080, or $480 per airplane, per inspection cycle.

Should an operator be required to accomplish the replacement of the auxiliary track assembly, it would take approximately 220 work hours per auxiliary track assembly to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $30,090. Based on these figures, the cost impact of this replacement is estimated to be $43,290 per assembly. There are four auxiliary track assemblies per engine.

Should an operator be required to accomplish the replacement of the liner and slider, it would take approximately 8 work hours per auxiliary track assembly to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would be provided at no cost by the airplane manufacturer. Based on these figures, the cost impact of this replacement is estimated to be $480 per assembly. There are four auxiliary track assemblies per engine.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 99–NM–208–AD.

Applicability: Model 747–400 series airplanes powered by Pratt & Whitney PW4000 series engines, line numbers 696 through 1100 inclusive; and Model 767–200 and –300 series airplanes powered by Pratt & Whitney PW4000 series engines, line numbers 1 through 646 inclusive; 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 a slider disengaging from the auxiliary track assembly, which could lead to separation of a portion of the thrust reverser from the airplane during flight, possible impact of separated portions on airplane structure, and consequent possible rapid decompression of the airplane, reduced controllability of the airplane, or reduced structural integrity of the fuselage, accomplish the following:

Initial Inspection

(a) Prior to the accumulation of 3,000 total flight cycles, or within 90 days after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the upper and lower auxiliary track assemblies on each thrust reverser half of each engine to detect missing segments of the track lip; to detect signs that the slider has disengaged from the track; to detect cracks, gouges, and wear of the liner; and to measure the auxiliary track liner gap; in accordance with Part A of the Accomplishment Instructions of Boeing Service Bulletin 747–78A2164, Revision 2, dated December 3, 1998 (for Model 747–400 series airplanes); or Boeing Service Bulletin 767–78A0079, Revision 2, dated December 3, 1998 (for Model 767 series airplanes); as applicable.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

Repetitive Inspections/Corrective Actions

(1) If no discrepancy is detected, repeat the detailed visual inspection thereafter at intervals not to exceed 3,000 flight cycles or 7,000 flight hours, whichever occurs earlier, until paragraph (b) or (c), as applicable, has been accomplished.

(2) If the auxiliary track lip has a missing segment of 3 inches or longer, or longitudinal cracks at the base of the lip, or other indications that the slider has disengaged from the track in the forward 4 inches, prior to further flight, repair in accordance with Part A of the Accomplishment Instructions of the applicable service bulletin. Repeat the detailed visual inspection thereafter at the applicable intervals specified in Part A of the Accomplishment Instructions of the applicable service bulletin, until paragraph (c) of this AD has been accomplished.

(3) If the auxiliary track lip has a missing segment of 3 inches or longer, or longitudinal cracks at the base of the lip, or other indications that the slider has disengaged from the track AFT of the forward four inches, accomplish paragraphs (a)(3)(i) or (a)(3)(ii) of this AD.

(i) Prior to further flight, repair in accordance with Part A of the Accomplishment Instructions of the applicable service bulletin. Repeat the detailed visual inspection thereafter at the applicable intervals specified in Part A of the Accomplishment Instructions of the applicable service bulletin, until paragraph (c) of this AD has been accomplished.

(ii) Accomplish both paragraphs (a)(3)(ii)(A) and (a)(3)(ii)(B) of this AD:

(A) Prior to further flight, deactivate the associated thrust reverser in accordance with Section 78–2 of Boeing Document D6U10151, ''Boeing 747–400 Dispatch Deviations Guide,'' Revision 11, dated March 31, 1998 (for Model 747–400 series airplanes); or Section 78–2 of Boeing Document D630T002, ''Boeing 767 Dispatch Deviations Guide,'' Revision 19, dated May 14, 1999 (for Model 767 series airplanes); as applicable. No more than one thrust reverser on any airplane may be deactivated under the provisions of the paragraph.

Note 3: The airplane may be operated for up to 30 days in accordance with the provisions and limitations specified in the operator's FAA-approved Master Minimum Equipment List, provided that no more than one thrust reverser on the airplane is inoperative.

(B) Within 30 days after deactivation of any thrust reverser in accordance with paragraph (a)(3)(ii)(A) of this AD, the thrust reverser must be repaired in accordance with Part A of the Accomplishment Instructions of the applicable service bulletin; once this is accomplished, the thrust reverser may then be reactivated. Repeat the detailed visual inspection thereafter at the applicable intervals specified in Part A of the Accomplishment Instructions of the applicable service bulletin, until paragraph (c) of this AD has been accomplished.

Terminating Action

(b) For any auxiliary track assembly on which no discrepancy is detected during any detailed visual inspection required by paragraph (a) of this AD: Replace the liner and slider of the auxiliary track assembly with a new, improved liner and slider, in accordance with Part A of the Accomplishment Instructions of Boeing Service Bulletin 747–78A2164, Revision 2, dated December 3, 1998 (for Model 747–400 series airplanes); or Boeing Service Bulletin 767–78A0079, Revision 2, dated December 3, 1998 (for Model 767 series airplanes); as applicable; at the later of the times specified in paragraphs (b)(1) and (b)(2) of this AD. Such action constitutes terminating action for the requirements of this AD for that assembly.

(1) Within 6,000 flight cycles, 14,000 flight hours, or 5 years after the date of the first inspection, whichever occurs earliest; or

(2) Within 4 years after the effective date of this AD.

(c) For any auxiliary track assembly on which any discrepancy is detected during any detailed visual inspection required by paragraph (a) of this AD: Replace the auxiliary track assembly with a new, improved assembly (including a new liner and slider), in accordance with Part A of the Accomplishment Instructions of Boeing Service Bulletin 747–78A2164, Revision 2, dated December 3, 1998 (for Model 747–400 series airplanes); or Boeing Service Bulletin 767–78A0079, Revision 2, dated December 3, 1998 (for Model 767 series airplanes); as applicable; at the later of the times specified in paragraphs (c)(1) and (c)(2) of this AD. Such action constitutes terminating action for the requirements of this AD for that assembly.

(1) Within 4,500 flight cycles, 10,000 flight hours, or 3 years after the date of the first repair, whichever occurs earliest; or

(2) Within 2 years after the effective date 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, Seattle Aircraft Certification Office (ACO), 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, Seattle ACO.

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

Special Flight Permits

(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.

Issued in Renton, Washington, on October 13, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–27273 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–354–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 757 series airplanes. This proposal would require replacement of transmission assemblies for the trailing edge flaps with modified transmission assemblies. This proposal is prompted by reports of broken bolts that attach the transmission assemblies for the trailing edge flaps. The actions specified by the proposed AD are intended to prevent damage to the flap system, adjacent system, or structural components; and excessive skew of the trailing edge flap; which could result in reduced controllability of the airplane.

DATES: Comments must be received by December 3, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–354–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Robert C. Jones, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1118; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this 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 98–NM–354–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–354–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports indicating that certain bolts that attach the transmission assemblies for the trailing edge flaps have broken in service. Analysis has shown that the bolts broke because the torque limiters on the subject trailing edge flap transmissions did not ''lock out'' at their designated load limits. Tests have shown that the torque limiter may ''lock out'' at loads higher than the designed maximum limits. If the torque limiter fails to ''lock out'' at the designated maximum limits, damage to the flap system, adjacent system, or structural components can occur. Additionally, if the torque limiter fails to ''lock out,'' a skewed flap condition may not be limited to safe levels. This condition, if not corrected, could result in reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999, which describes procedures for replacement of transmission assemblies for the trailing edge flaps with modified transmission assemblies. The modified transmission assemblies include new torque limiters that can prevent damage to the airplane from high system loads at the transmission assemblies, and can prevent excessive skew of the trailing edge flap. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

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

Differences Between Proposed Rule and Service Bulletin

Operators should note that this proposed AD would require replacement of the existing transmission assemblies with modified parts within 36 months after the effective date of this AD. The service bulletin recommends that this action should be accomplished, ''during the next scheduled flap transmission overhaul when materials are available.'' In developing an appropriate compliance time for this proposed action, the FAA considered not only the degree of urgency associated with addressing the subject unsafe condition, but the availability of required parts. The FAA has determined that 36 months represents an appropriate interval of time allowable wherein an ample number of required parts will be available for modification of the U.S. fleet within the proposed compliance period. The FAA also finds that such a compliance time will not adversely affect the safety of the affected airplanes.

Cost Impact

There are approximately 796 airplanes of the affected design in the worldwide fleet. The FAA estimates that 500 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 32 work hours per airplane to accomplish the proposed replacement, and that the average labor rate is $60 per work hour. Required parts would cost approximately $85,104 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $43,512,000, or $87,024 per airplane.

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

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 98–NM–354–AD.

Applicability: Model 757 series airplanes, as listed in Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent damage to the flap system, adjacent system, or structural components;

and excessive skew of the trailing edge flap; which could result in reduced controllability of the airplane; accomplish the following:

(a) Within 36 months after the effective date of this AD, replace the transmission assemblies for the trailing edge flaps with transmission assemblies modified in accordance with Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999.

Note 2: Replacements accomplished in accordance with Boeing Alert Service Bulletin 757–27A0127, dated September 10, 1998, are considered acceptable for compliance with paragraph (a) of this AD.

(b) As of the effective date of this AD, no person shall install on any airplane, a trailing edge flap transmission assembly, unless it has been modified in accordance with Boeing Service Bulletin 757–27A0127, Revision 1, dated September 2, 1999.

Alternative Methods of Compliance

(c) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, 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, Seattle ACO.

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

Special Flight Permits

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

Issued in Renton, Washington, on October 13, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–27274 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–302–AD]

RIN 2120–AA64

Airworthiness Directives; British Aerospace (Jetstream) Model 4101 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to all British Aerospace (Jetstream) Model 4101 airplanes. This proposal would require repetitive inspections to detect loose or migrated levers of the elevator cable tension regulators, and replacement of the regulator assembly with a new assembly, if necessary. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to detect and correct loose or migrated regulator levers of the elevator cable tension regulators, which could result in reduced controllability of the airplane.

DATES: Comments must be received by November 18, 1999.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–302–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from British Aerospace Regional Aircraft American Support, 13850 Mclearen Road, Herndon, Virginia 20171. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

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:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this 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–NM–302–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–302–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Civil Aviation Authority (CAA), which is the airworthiness authority for the United Kingdom, recently notified the FAA that an unsafe condition may exist on all British Aerospace (Jetstream) Model 4101 airplanes. The CAA advises that an incident has been reported in which an elevator cable tension regulator lever became detached from the elevator cable tension regulator assembly on a Model Jetstream 4101 airplane. The exact cause of the detachment is unknown at this time. This condition, if not corrected, could result in reduced controllability of the associated elevator.

Explanation of Relevant Service Information

British Aerospace has issued Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999, which describes procedures for repetitive detailed visual inspections to detect loose or migrated levers of the elevator cable tension regulators. For any discrepant lever assembly, the alert service bulletin describes procedures for replacement of the regulator assembly with a new assembly. The initial inspection also involves a one-time inspection of the nut and bolt to detect signs of the bolt being threadbound, and repair, if necessary. The CAA classified this alert service bulletin as mandatory in order to assure the continued airworthiness of these airplanes in the United Kingdom.

FAA's Conclusions

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, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would require accomplishment of the actions specified in the alert service bulletin described previously.

Interim Action

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Cost Impact

The FAA estimates that 57 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed inspection, and that the average labor rate is $60 per work hour. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $6,840, or $120 per airplane, per inspection cycle.

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

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 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:

British Aerospace Regional Aircraft

[Formerly Jetstream Aircraft Limited; British Aerospace (Commercial Aircraft) Limited]: Docket 99–NM–302–AD.

Applicability: All Model Jetstream 4101 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 (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, unless accomplished previously.

To detect and correct loose or migrated regulator levers of the elevator cable tension regulators, which could result in reduced controllability of the associated elevator, accomplish the following:

(a) Within 7 weeks after the effective date of this AD, perform a detailed visual inspection of the elevator cable tension regulator lever assembly to detect discrepancies (including looseness and migration along the splines of the elevator cable tension regulator assembly), in accordance with Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999. Repeat the inspection thereafter at intervals not to exceed 1,500 flight hours.

Note 2: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc., may be used. Surface cleaning and elaborate access procedures may be required.''

(b) If no discrepancy is detected during the initial inspection required by paragraph (a) of this AD, perform a detailed visual inspection of the bolt and castellated nut for signs of the bolt being threadbound, in accordance with Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999.

(1) If the nut and bolt are serviceable, as specified by the alert service bulletin, prior to further flight, reinstall and retorque the nut, in accordance with the alert service bulletin.

(2) If the nut and bolt are not serviceable, as specified by the alert service bulletin, prior to further flight, replace with a new nut and bolt and torque the nut, in accordance with the alert service bulletin.

(c) If any discrepancy is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, replace the elevator cable tension regulator assembly with a new assembly, in accordance with Jetstream Alert Service Bulletin J41–A–27–053, dated September 14, 1999.

(d) For each inspection performed as required by paragraph (a) of this AD: Submit a report of the inspection findings (both positive and negative findings) to Information Services, British Aerospace Regional Aircraft, Prestwick International Airport, Ayrshire, KA9 2RW, Scotland; at the applicable time specified in paragraph (d)(1) or (d)(2) of this AD. The report must include the inspection results, a description of any discrepancies found, the airplane serial number, and the number of landings and flight hours on the airplane. Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*) and have been assigned OMB Control Number 2120–0056.

(1) For airplanes on which the inspection is accomplished after the effective date of this AD: Submit the report within 10 days after performing the inspection required by paragraph (a) of this AD.

(2) For airplanes on which the inspection has been accomplished prior to the effective date of this AD: Submit the report within 10 days after the effective date of this AD.

(e) As of the effective date of this AD, no person shall install any elevator cable tension regulator lever unless that lever has been inspected and applicable corrective actions

have been performed in accordance with the requirements of this AD.

Alternative Methods of Compliance

(f) 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 3: 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

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

Issued in Renton, Washington, on October 13, 1999.

D.L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–27275 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 199

[DoD 6010.8–R]

Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); TRICARE Program; Double Coverage; Third Party Recoveries

AGENCY: Office of the Secretary, DoD.

ACTION: Proposed rule.

SUMMARY: This proposed rule implements section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 which allows the Secretary of Defense to authorize certain CHAMPUS/TRICARE claims to be paid, even though other health insurance may be primary payer, with authority to collect from the other health insurance (third-party payer) the CHAMPUS/TRICARE costs incurred on behalf of the beneficiary.

DATES: Public comments must be received by December 20, 1999.

ADDRESSES: Forward comments to: TRICARE Management Activity (TMA), Office of General Counsel, 16401 East Centretech Parkway, Aurora, CO 80011–9043.

FOR FURTHER INFORMATION CONTACT: Robert Shepherd, Office of General Counsel, TMA, (303) 676–3705.

SUPPLEMENTARY INFORMATION: This Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplements the availability of health care in military hospitals and clinics.

Statutory Authority

CHAMPUS/TRICARE is second pay to all other health insurance except, generally, Medicaid plans, based on authority of 10 U.S.C. 1079(j) and 1086(g). Under these provisions, CHAMPUS/TRICARE could not pay a benefit for a person covered by any other health insurance (i.e., health insurance, medical service, or health plan, including any plan offered by a third-party payer) to the extent the benefit was covered under the other plan. Therefore, payment of CHAMPUS/TRICARE claims were delayed pending payment by the other health insurance in order for CHAMPUS/TRICARE to be second payer on the claim. In certain situations (e.g., for example when a patient was injured in an automobile accident) delays in payment by the responsible third-party frequently resulted in the beneficiary being billed directly by providers of care or collection agencies. Under the provision enacted in 1998 by Congress as section 711 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, Pub. L. 105–261, CHAMPUS/TRICARE can now pay a claim when a third-party payer (as defined in the law) is involved and then seek recovery of the CHAMPUS/TRICARE costs from the third-party payer. When a beneficiary is covered by primary health insurance (not a third-party payer), the primary health insurance will continue to be first payer on a claim before CHAMPUS/TRICARE will pay.

Proposed Changes

This proposes a change to the CHAMPUS/TRICARE ''double coverage'' provisions authorizing payment of claims when a third-party payer is involved rather than delaying CHAMPUS/TRICARE payments pending payment by the third-party payer. In addition, this proposes a change to the CHAMPUS/TRICARE ''third party recoveries'' provisions incorporating the authority to collect from third-party payers the CHAMPUS/TRICARE costs for health care services incurred on behalf of the patient/beneficiary.

Regulatory Procedures

Executive Order (EO) 12866 requires that a comprehensive regulatory impact analysis be performed on any economically significant regulatory action, defined as one which would result in an annual effect of $100 million or more on the national economy or which would have other substantial impacts.

The Regulatory Flexibility Act (RFA) requires that each Federal agency prepare, and make available for public comment, a regulatory flexibility analysis when the agency issues a regulation which would have a significant impact on a substantial number of small entities.

This is not a significant regulatory action under EO 12866 and has been reviewed by the Office of Management and Budget. In addition, we certify that this proposed rule will not significantly affect a substantial number of small entities.

Paperwork Reduction Act

This rule, as written, imposes no burden as defined by the Paperwork Reduction Act of 1995. If, however, any program implemented under this rule causes such a burden to be imposed, approval therefore will be sought by the Office of Management and Budget in accordance with the Act, prior to implementation.

List of Subjects in 32 CFR Part 199

Claims, Handicapped, Health insurance, and Military personnel.

Accordingly, 32 CFR part 199 is amended as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 5 U.S.C. 301; 10 U.S.C. Chapter 55.

2. Section 199.2(b) is proposed to be amended by adding new definitions in alphabetical order:

§ 199.2 Definitions.

* * * * *

Automobile liability insurance. Automobile liability insurance means insurance against legal liability for health and medical expenses resulting from personal injuries arising from operation of a motor vehicle. Automobile liability insurance includes:

(1) Circumstances in which liability benefits are paid to an injured party only when the insured party's tortious acts are the cause of the injuries; and

(2) Uninsured and underinsured coverage, in which there is a third party tortfeasor who caused the injuries (*i.e.*, benefits are not paid on a no-fault basis),

but the insured party is not the tortfeasor.

* * * * *

No-fault insurance. No-fault insurance means an insurance contract providing compensation for health and medical expenses relating to personal injury arising from the operation of a motor vehicle in which the compensation is not premised on who may have been responsible for causing such injury. No-fault insurance includes personal injury protection and medical payments benefits in cases involving personal injuries resulting from operation of a motor vehicle.

* * * * *

Third-party payer. Third-party payer means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier and a worker's compensation program or plan, and any other plan or program (*e.g.*, homeowners insurance, etc.) that is designed to provide compensation or coverage for expenses incurred by a beneficiary for medical services or supplies. For purposes of the definition of ''third-party payer,'' an insurance, medical service, or health plan includes a preferred provider organization, an insurance plan described as Medicare supplemental insurance, and a personal injury protection plan or medical payments benefit plan for personal injuries resulting from the operation of a motor vehicle.

* * * * *

3. Section 199.8 is proposed to be amended by revising paragraphs (a), (c)(1), (d)(2), and (d)(3), redesignating paragraphs (b)(3), (c)(2) and (c)(3) as paragraphs (b)(4), (c)(4) and (c)(5), respectively, and adding new paragraphs (b)(3), (c)(2), and (c)(3) to read as follows:

§ 199.8 Double coverage.

(a) *Introduction.* (1) In enacting CHAMPUS legislation, Congress clearly has intended that CHAMPUS be the secondary payer to all health benefit, insurance and third-party payer plans. 10 U.S.C. 1079(j)(1) specifically provides:

> A benefit may not be paid under a plan (CHAMPUS) covered by this section in the case of a person enrolled in, or covered by, any other insurance, medical service, or health plan, including any plan offered by a third-party payer (as defined in 10 U.S.C. 1095(h)(1)) to the extent that the benefit is also a benefit under the other plan, except in the case of a plan administered under title XIX of the Social Security Act (42 U.S.C. 1396 *et seq.*).

(2) The above provision is made applicable specifically to retired members, dependents, and survivors by 10 U.S.C. 1086(g). The underlying intent, in addition to preventing waste of Federal resources, is to ensure that CHAMPUS beneficiaries receive maximum benefits while ensuring that the combined payments of CHAMPUS and other health benefit and insurance plans do not exceed the total charges.

* * * * *

(b) * * *

(3) *Third-party payer.* A third-party payer means an entity that provides an insurance, medical service, or health plan by contract or agreement, including an automobile liability insurance or no fault insurance carrier and workers' compensation program or plan, and any other plan or program (*e.g.*, homeowners insurance, etc.) that is designed to provide compensation or coverage for expenses incurred by a beneficiary for medical services or supplies. For purposes of the definition of ''third-party payer,'' an insurance, medical service or health plan includes a preferred provider organization, an insurance plan described as Medicare supplemental insurance, and a personal injury protection plan or medical payments benefit plan for personal injuries resulting form the operation of a motor vehicle.

* * * * *

(c) * * *

(1) For any claim that involves a double coverage plan as defined in paragraph (b) of this section, CHAMPUS shall be last pay except as may be authorized by the Director, OCHAMPUS, pursuant to paragraph (c)(2) of this section. That is, CHAMPUS benefits may not be extended until all other double coverage plans have adjudicated the claim.

(2) The Director, OCHAMPUS, may authorize payment of a claim in advance of adjudication of the claim by a double coverage plan and recover, under § 199.12, the CHAMPUS costs of health care incurred on behalf of the covered beneficiary under the following conditions:

(i) The claim is submitted for health care services furnished to a covered beneficiary;

(ii) The claim is identified as involving services for which a third-party payer, other than a primary medical insurer, may be liable; and,

(iii) The authority to make payment in advance of adjudication and payment of the claim by the third-party payer is delegated to a CHAMPUS contractor under contractual terms in which the contractor assigns to the government any rights to seek recovery from the third-party payer of health care costs incurred on behalf of the covered beneficiary.

(3) For purposes of paragraph (c)(2) of this section, a ''primary medical insurer'' is an insurance plan, medical service or health plan, or a third-party payer under this section, the primary or sole purpose of which is to provide or pay for health care services, supplies, or equipment. The term ''primary medical insurer'' does not include automobile liability insurance, no fault insurance, workers' compensation program or plan, homeowners insurance, or any other similar third-party payer as may be designated by the Director, OCHAMPUS, in any policy guidance or instructions issued in implementation of this part.

* * * * *

(d) * * *

(2) *CHAMPUS and Medicaid.* Medicaid is not a double coverage plan except under the case management program as specified in § 199.4(i). With the exception of the case management program, in all other double coverage situations involving Medicaid, CHAMPUS is always the primary payer.

(3) *CHAMPUS and Workers' Compensation.* CHAMPUS benefits are not payable for a work-related illness or injury that is covered under a workers' compensation program. Pursuant to paragraph (c)(2) of this section, however, the Director, OCHAMPUS may authorize payment of a claim involving a work-related illness or injury covered under a workers' compensation program in advance of adjudication and payment of the workers' compensation claim and then recover, under § 199.12, the CHAMPUS costs of health care incurred on behalf of the covered beneficiary.

* * * * *

4. Section 199.12 is proposed to be revised to read as follows:

§ 199.12 Third party recoveries.

(a) *General.* This section deals with the right of the United States to recover from third parties the costs of medical care furnished to or paid on behalf of CHAMPUS beneficiaries. These third parties may be individuals or entities that are liable for tort damages to the injured CHAMPUS beneficiary or a liability insurance carrier covering the individual or entity. These third parties may also include other entities who are primarily responsible to pay for the medical care provided to the injured beneficiary by reason of an insurance policy, workers' compensation program or other source of primary payment.

(b) *Authority.*

(1) *Third-party payers.* This part implements the provisions of 10 U.S.C. 1095b which, in general, allow the Secretary of Defense to authorize certain CHAMPUS claims to be paid, even though a third-party payer may be primary payer, with authority to collect from the third-party payer the CHAMPUS costs incurred on behalf of the beneficiary. (See § 199.2 for definition of ''third-party payer.'') Therefore, 10 U.S.C. 1095b establishes the statutory obligation of third-party payers to reimburse the United States the costs incurred on behalf of CHAMPUS beneficiaries who are also covered by the third-party payer's plan.

(2) *Federal Medical Care Recovery Act.*

(i) *In general.* In many cases covered by this section, the United States has a right to collect under both 10 U.S.C. 1095b and the Federal Medical Care Recovery Act (FMCRA), Pub. L. 87–693 (42 U.S.C. 2651 *et seq.*). In such cases, the authority is concurrent and the United States may pursue collection under both statutory authorities.

(ii) *Cases involving tort liability.* In cases in which the right of the United States to collect from an automobile liability insurance carrier is premised on establishing some tort liability on some third person, matters regarding the determination of such tort liability shall be governed by the same substantive standards as would be applied under the FMCRA including reliance on state law for determinations regarding tort liability. In addition, the provisions of 28 CFR part 43 (Department of Justice regulations pertaining to the FMCRA) shall apply to claims made under the concurrent authority of the FMCRA and 10 U.S.C. 1095b. All other matters and procedures concerning the right of the United States to collect shall, if a claim is made under the concurrent authority of the FMCRA and this section, be governed by 10 U.S.C. 1095b and this part.

(c) *Appealability.* This section describes the procedures to be followed in the assertion and collection of third party recovery claims in favor of the United States arising from the operation of CHAMPUS. Actions taken under this section are not initial determinations for the purpose of the appeal procedures of § 199.10. However, the proper exercise of the right to appeal benefit or provider status determinations under the procedures set forth in § 199.10 may affect the processing of federal claims arising under this section. Those appeal procedures afford a CHAMPUS beneficiary or participating provider an opportunity for administrative appellate review in cases in which benefits have been denied and in which there is a significant factual dispute. For example, a CHAMPUS contractor may deny payment for services that are determined to be excluded as CHAMPUS benefits because they are found to be not medically necessary. In that event the CHAMPUS contractor will offer an administrative appeal as provided in § 199.10 on the medical necessity issue raised by the adverse benefit determination. If the care in question results from an accidental injury and if the appeal results in a reversal of the initial determination to deny the benefit, a third party recovery claim may arise as a result of the appeal decision to pay the benefit. However, in no case is the decision to initiate such a claim itself appealable under § 199.10.

(d) *Statutory obligation of third-party payer to pay.*

(1) *Basic rule.* Pursuant to 10 U.S.C. 1095b, when the Secretary of Defense authorizes certain CHAMPUS claims to be paid, even though a third-party payer may be primary payer (as specified under § 199.8(c)(2), the right to collect from a third-party payer the CHAMPUS costs incurred on behalf of the beneficiary is the same as exists for the United States to collect from third party payers the cost of care provided by a facility of the uniformed services under 10 U.S.C. 1095 and part 220 of this title. Therefore the obligation of a third-party payer to pay is to the same extent that the beneficiary would be eligible to receive reimbursement or indemnification from the third-party payer if the beneficiary were to incur the costs on the beneficiary's own behalf.

(2) *Application of cost shares.* If the third-party payer's plan includes a requirement for a deductible or copayment by the beneficiary of the plan, then the amount the United States may collect from the third-party payer is the cost of care incurred on behalf of the beneficiary less the appropriate deductible or copayment amount.

(3) *Claim from the United States exclusive.* The only way for a third-party payer to satisfy its obligation under 10 U.S.C. 1095b is to pay the United States or authorized representative of the United States. Payment by a third-party payer to the beneficiary does not satisfy 10 U.S.C. 1095b.

(4) *Assignment of benefits not necessary.* The obligation of the third-party payer to pay is not dependent upon the beneficiary executing an assignment of benefits to the United States.

(e) *Exclusions impermissible.*

(1) *Statutory requirement.* With the same right to collect from third-party payers as exists under 10 U.S.C. 1095(b), no provision of any third-party payer's plan having the effect of excluding from coverage or limiting payment for certain care if that care is provided or paid by the United States shall operate to prevent collection by the United States.

(2) *Regulatory application.* No provision of any third-party payer's plan or program purporting to have the effect of excluding or limiting payment for certain care that would not be given such effect under the standards established in part 220 of this title to implement 10 U.S.C. 1095 shall operate to exclude or limit payment under 10 U.S.C. 1095b or this section.

(f) *Records available.* When requested, CHAMPUS contractors or other representatives of the United States shall make available to representatives of any third-party payer from which the United States seeks payment under 10 U.S.C. 1095b, for inspection and review, appropriate health care records (or copies of such records) of individuals for whose care payment is sought. Appropriate records which will be made available are records which document that the CHAMPUS costs incurred on behalf of beneficiaries which are the subject of the claims for payment under 10 U.S.C. 1095b were incurred as claimed and the health care services were provided in a manner consistent with permissible terms and conditions of the third-party payer's plan. This is the sole purpose for which patient care records will be made available. Records not needed for this purpose will not be made available.

(g) *Remedies.* Pursuant to 10 U.S.C. 1095b, when the Director, OCHAMPUS, authorizes certain CHAMPUS claims to be paid, even though a third-party payer may be primary payer, the right to collect from a third-party payer the CHAMPUS costs incurred on behalf of the beneficiary is the same as exists for the United States to collect from third party payers the cost of care provided by a facility of the uniformed services under 10 U.S.C. 1095.

(1) This includes the authority under 10 U.S.C. 1095(e)(1) for the United States to institute and prosecute legal proceedings against a third-party payer to enforce a right of the United States under 10 U.S.C. 1095b and this section.

(2) This also includes the authority under 10 U.S.C. 1095(e)(2) for an authorized representative of the United States to compromise, settle or waive a claim of the United States under 10 U.S.C. 1095b and this section.

(3) The authorities provided by the Federal Claims Collection Act of 1966,

as amended (31 U.S.C. 3701 *et seq.*), and any implementing regulations (including 32 CFR part 199.11) regarding collection of indebtedness due the United States shall also be available to effect collections pursuant to 10 U.S.C. 1095b and this section.

(h) *Obligations of beneficiaries.* To insure the expeditious and efficient processing of third-party payer claims, any person furnished care and treatment under CHAMPUS, his or her guardian, personal representative, counsel, estate, dependents or survivors shall be required:

(1) To provide information regarding coverage by a third-party payer plan and/or the circumstances surrounding an injury to the patient as a condition precedent to the processing of a CHAMPUS claim involving possible third-party payer coverage.

(2) To furnish such additional information as may be requested concerning the circumstances giving rise to the injury or disease for which care and treatment are being given and concerning any action instituted or to be instituted by or against a third person; and,

(3) To cooperate in the prosecution of all claims and actions by the United States against such third person.

(i) *Responsibility for recovery.* The Director, OCHAMPUS, or a designee, is responsible for insuring that CHAMPUS claims arising under 10 U.S.C. 1095b and this section (including claims involving the FMCRA) are properly referred to and coordinated with designated claims authorities of the uniformed services who shall assert and recover CHAMPUS costs incurred on behalf of beneficiaries. Generally, claims arising under this section will be processed as follows:

(1) *Identification and referral.* In most cases where civilian providers provide medical care and payment for such care has been made by a CHAMPUS contractor, initial identification of potential third-party payers will be by the CHAMPUS contractor. In such cases, the CHAMPUS contractor is responsible for conducting a preliminary investigation and referring the case to designated appropriate claims authorities of the Uniformed Services.

(2) *Processing CHAMPUS claims.* When the CHAMPUS contractor initially identifies a claim as involving a potential third-party payer, it shall request additional information concerning the circumstances of the injury or disease and/or the identity of any potential third-party payer from the beneficiary or other responsible party unless adequate information is submitted with the claim. The CHAMPUS claim will be suspended and no payment issued pending receipt of the requested information. If the requested information is not received, the claim will be denied. A CHAMPUS beneficiary may expedite the processing of his or her CHAMPUS claim by submitting appropriate information with the first claim for treatment of an accidental injury. Third-party payer information normally is required only once concerning any single accidental injury or episode of care. Once the third-party payer information pertaining to a single incident or episode of care is received, subsequent claims associated with the same incident or episode of care may be processed to payment in the usual manner. If, however, the requested third-party payer information is not received, subsequent claims involving the same incident or episode of care will be suspended or denied as stated above.

(3) *Ascertaining total potential liability.* It is essential that the appropriate claims authority responsible for asserting the claim against the third-party payer receive from the CHAMPUS contractor a report of all amounts expended by the United States for care resulting from the incident upon which potential liability in the third party is based (including amounts paid by CHAMPUS for both inpatient and outpatient care). Prior to assertion and final settlement of a claim, it will be necessary for the responsible claims authority to secure from the CHAMPUS contractor updated information to insure that all amounts expended under CHAMPUS are included in the government's claim. It is equally important that information on future medical payments be obtained through the investigative process and included as a part of the government's claim. No CHAMPUS-related claim will be settled, compromised or waived without full consideration being given to the possible future medical payment aspects of the individual case.

(j) *Reporting requirements.* Pursuant to 10 U.S.C. 1079a, all refunds and other amounts collected in the administration of CHAMPUS shall be credited to the appropriation available for that program for the fiscal year in which the refund or amount is collected. Therefore, the Department of Defense requires an annual report stating the number and dollar amount of claims asserted against, and the number and dollar amount of recoveries from third-party payers (including FMCRA recoveries) arising from the operation of the CHAMPUS. To facilitate the preparation of this report and to maintain program integrity, the following reporting requirements are established:

(1) *CHAMPUS contractors.* Each CHAMPUS contractor shall submit on or before January 31 of each year an annual report to the Director, OCHAMPUS, or a designee, covering the 12 months of the previous calendar year. This report shall contain, as a minimum, the number and total dollar amount of cases of potential third-party payer/FMCRA liability referred to uniformed services claims authorities for further investigation and collection. These figures are to be itemized by the states and uniformed services to which the cases are referred.

(2) *Uniformed Services.* Each uniformed service will submit to the Director, OCHAMPUS, or designee, an annual report covering the 12 calendar months of the previous year, setting forth, as a minimum, the number and total dollar amount of cases involving CHAMPUS payments received from CHAMPUS contractors, the number and dollar amount of cases involving CHAMPUS payments received from other sources, and the number and dollar amount of claims actually asserted against, and the dollar amount of recoveries from, third-party payers or under the FMCRA. The report, itemized by state and foreign claims jurisdictions, shall be provided no later than February 28 of each year.

(3) *Implementation of the reporting requirements.* The Director, OCHAMPUS, or a designee shall issue guidance for implementation of the reporting requirements prescribed by this section.

Dated: October 13, 1999.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 99–27060 Filed 10–18–99; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Ch. I

[USCG–1998–4501]

Improvements to Marine Safety in Puget Sound-Area Waters

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting and reopening comment period.

SUMMARY: The Coast Guard announces two identical meetings to describe the results of the cost-benefit analysis of potential rules that could improve

marine safety in Puget Sound-Area waters and to describe ongoing activities to improve marine safety in the region. Under consideration are regulatory requirements for tug escorts and/or dedicated rescue tugs for certain vessels operating in the Strait of Juan de Fuca and adjacent waters. Additionally, the docket for the advance notice of proposed rulemaking for these tug measures has been reopened until January 31, 2000.

DATES: The meetings will be held from 7 p.m. to 10 p.m. on Tuesday, November 16, 1999 and from 9 a.m. to 12 p.m. on Wednesday, November 17, 1999. Comments to the docket for the advance notice of proposed rulemaking must reach the Docket Management Facility on or before January 31, 2000.

ADDRESSES: The public meeting will be held at the Hotel Edgewater at Pier 67, 2411 Alaskan Way, Seattle, WA 98121.

You may submit your written comments and related material by only one of the following methods:

(1) By mail to the Docket Management Facility, (USCG–1999–4501), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this notice. Comments and documents, as indicated in this notice, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on the public meeting, contact CDR Timothy M. Close, Human Element and Ship Design Division (G–MSE–1), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001, telephone 202–267–2997, fax 202–267–4816, email *fldr-he@comdt.uscg.mil.* For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate by submitting comments and related material. If you do so, please include your name and address, identify the docket number [USCG–1998–4501], indicate the specific section of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES;** but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this rule in view of them.

Public Meeting

The purpose of the meeting is to describe the results of the cost-benefit analysis. Also, as time allows, The Coast Guard will respond to questions about the cost-benefit analysis, and to discuss how the results will be used. Attendance is open to the public.

Background and Purpose

On November 24, 1998, the Coast Guard published an advance notice of proposed rulemaking for marine safety in the Puget Sound region (63 FR 64937). Under consideration were regulatory requirements for tug escorts and/or dedicated rescue tugs for certain vessels operating in the Strait of Juan de Fuca and adjacent waters. Comments to guide a cost-benefit analysis were requested by December 24, 1998. Based upon the comments received, the Coast Guard framed a cost-benefit analysis of these two measures as well as variations of their application. A public meeting was held on May 12, 1999 to discuss the framework for and conduct of the cost-benefit analysis. The purpose of the November 4, 1999 public meeting is to provide the public with a briefing on the results of the cost-benefit analysis. Comments to the docket regarding the results of the cost-benefit analysis and their interpretation are encouraged. These comments will be used by the Navigation Safety Advisory Council panel formed to develop a long-term oil-spill risk management plan for the region (64 FR 48442) and by the Secretary in the final determination regarding the regulatory measures under consideration. Directions for obtaining a copy of the final report of the cost-benefit study will be provided at the Public Meeting. Additionally, a copy will be provided in the docket.

Information on Services for the Handicapped

Contact CDR Close for information on facilities or services for the handicapped or to request special assistance at the meetings as soon as possible.

Dated: October 13, 1999.

Joseph J. Angelo,

Acting Assistant Commandant for Marine Safety and Environmental Protection.

[FR Doc. 99–27284 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Parts 181 and 183

[USCG–1998–4734]

Manufacturer Exemptions From Recreational Boat Standards

AGENCY: Coast Guard, DOT.

ACTION: Notice of petition and request for comments.

SUMMARY: The Coast Guard seeks public comment to better respond to a petition for rulemaking submitted by the Personal Watercraft Industry Association (PWIA). The petition requests that the Coast Guard authorize a new method of complying with recreational boating safety laws as they relate to personal watercraft (PWC). Currently, PWC manufacturers must petition for an exemption from manufacturing regulations. The PWIA petition suggests that the Coast Guard replace the exemption process with a requirement for manufacturers to comply with certain industry standards. This notice fully describes manufacturing regulations for recreational boats, the exemption process, and related issues to assist interested persons with providing helpful comments as to whether the Coast Guard should initiate a regulatory project.

DATES: Comments and related material must reach the Docket Management Facility on or before January 19, 2000.

ADDRESSES: You may submit your comments and related material by only one of the following methods:

1. By mail to the Docket Management Facility (USCG–1998–4734), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

2. By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

3. By fax to Docket Management Facility at 202–493–2251.

4. Electronically through the Web Site for the Docket Management System at http://dms.dot.gov.

The Docket Management Facility maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: For questions on this notice, call Alston Colihan, Office of Boating Safety, Recreational Boating Product Assurance Division, U.S. Coast Guard, telephone 202–267–0981. For questions on viewing or submitting material to the docket, call Dorothy Walker, Chief, Dockets, Department of Transportation, telephone 202–366–9329.

SUPPLEMENTARY INFORMATION:

Background

The Federal Boat Safety Act of 1971 (46 U.S.C. 4302) gave the Coast Guard the statutory authority to issue regulations establishing minimum safety standards for the manufacture of recreational boats and associated equipment. The Coast Guard subsequently issued the regulations that appear in 33 CFR Parts 181 (certification regulations) and 183 (manufacturing regulations). Those regulations establish standards for the manufacture of conventional types of recreational boats—ones that contain a typical hull, transom, and passenger load carrying area. Under the Federal Boat Safety Act of 1971, the Coast Guard may issue exemptions from the regulations after determining that doing so will not adversely affect boating safety. Since 1972, the Coast Guard has granted exemptions from the regulations with respect to certain non-conventional boats including personal watercraft (PWC), airboats, hovercraft, submarines, drift boats, race boats, and mini bass boats. To assist persons who wish to respond to this request for comments, this notice explains the definition of PWC and describes, in detail, certification and manufacturing regulations as they relate to personal watercraft. In their petition, PWIA suggests that the Coast Guard eliminate the exemption process with respect to PWC by requiring manufacturers of PWC to comply with certain industry standards.

The Definition of Personal Watercraft (PWC)

The PWC industry coined the term ''Personal Watercraft.'' International Standards Organization (ISO) 13590 defines personal watercraft as ''* * * an inboard vessel less than 4 meters (13 feet) in length which uses an internal combustion engine powering a water jet pump as its primary source of propulsion, and is designed with no open load carrying area which would retain water. The vessel is designed to be operated by a person or persons positioned on, rather than within the confines of the hull.''

The Coast Guard has not formally adopted this definition for PWC for two reasons. First, there exist other types of boats that might fit into the above definition except they are outboard powered. Second, PWC designs are changing such that they are able to carry multiple passengers and additional gear.

Manufacturing Regulations for Recreational Boats and Typical Exemptions

The following table (Table 1) shows manufacturing regulations and the vessels to which they apply:

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Table 1 – MANUFACTURING REGULATIONS AND THE VESSELS TO WHICH THEY APPLY

	Less than 20 feet in length				20 feet or more in length		
	Rowboat	Outboard	Inboards and Sterndrives	Airboats	Outboard	Inboards and Sterndrives	Airboats
Display of Capacity Information[1] 33 CFR 183, Subpart B	X	X	X	X			
Safe Loading[1] 33 CFR 183, Subpart C	X	X	X	X			
Safe Powering[1] 33 CFR 183, Subpart D		X					
Basic Flotation[1] 33 CFR 183, Subpart F			X	X			
Level Flotation[1] 33 CFR 183, Subparts G and H	X	X					
Electrical Systems[2] 33 CFR 183, Subpart I			X	X		X	X
Fuel Systems[2] 33 CFR 183, Subpart J			X	X		X	X
Ventilation[3] 33 CFR 183, Subpart K		X	X	X	X	X	X

Start-In-Gear Protection – Applies to outboard motors capable of developing more than 115 pounds of static thrust
33 CFR 183, Subpart L

Certification Label – Applies to all boats subject to an applicable Coast Guard safety standard in Part 183
33 CFR 181, Subpart B

Hull Identification Number – Applies to all recreational boats
33 CFR 181, Subpart C

[1] Except multihulls, sailboats, canoes, kayaks and inflatables

[2] Boats with permanently installed gasoline engines for electrical generation, mechanical power or propulsion, except outboards

[3] All boats powered by gasoline engines, including most outboards

The manufacturing regulations, in 33 CFR Part 183, intend to: (1) Reduce capsizings, swampings, and sinkings involving monohull boats less than 20 feet in length; (2) reduce the incidence of fires and explosions involving boats equipped with permanently installed gasoline engines; and (3) reduce falls overboard from outboard powered boats. The certification regulations, in 33 CFR Part 181, require manufacturers to affix a label with specific information certifying compliance with the manufacturing regulations. Manufacturers that obtain an exemption from compliance with the manufacturing regulations also obtain an exemption from compliance with the certification regulations.

The following table (Table 2) provides examples of some types of boats for which the Coast Guard has granted exemptions from compliance with certification and manufacturing regulations:

BILLING CODE 4910–15–U

BILLING CODE 4910-15-C

Table 2 – TYPES OF BOATS FOR WHICH COAST GUARD HAS GRANTED EXEMPTIONS FROM SAFETY STANDARDS

	Display of Capacity Information Subpart B	Safe Loading Subpart C	Safe Powering Subpart D	Basic Flotation Subpart F	Level Flotation Subpart G/H[1]	Electrical Subpart I	Fuel Subpart J	Ventilation Subpart K
PWC[2] (inboard)	X	X		X		X	X	X
PWC[2] (outboard)	X	X	X		X			
Airboat	X	X		X		X	X	
Hovercraft	X	X				X	X	
Drift Boat[3] (10 hp)			X		X			
Drift Boat (manual)					X			
Submarine	X	X						
Raceboat (outboard)	X	X	X					
Raceboat (inboard)	X	X				X	X	X
Mini Bass Boats	X	X	X		X			

[1]Subpart G applies to boats rated for outboards of more than 2 horsepower; Subpart H to less than 2 hp or manual propulsion

[2]Personal Watercraft.

[3]Drift Boats are primarily motorless craft used for fishing in whitewater in the Pacific Northwest

The Display of Capacity Information, Safe Loading, Safe Powering and Flotation Standards apply to manufacturers of monohull boats less than 20 feet in length, except sailboats, canoes, kayaks and inflatables.

Display of Capacity Information

The display of capacity information regulations require manufacturers to display the maximum persons capacity and the maximum weight capacity determined in accordance with the *Safe Loading* regulations on a U.S. Coast Guard Maximum Capacities Label affixed to the boat. The standard also requires display of the maximum horsepower capacity determined in accordance with the *Safe Powering* regulations on outboard powered boats.

Safe Loading

The safe loading regulations are divided into three parts depending upon whether a boat is: (1) Manually propelled or rated for an outboard motor of two horsepower or less; (2) rated for an outboard motor of more than two horsepower; or (3) equipped with an inboard or sterndrive engine. The maximum weight capacity of a boat (persons, motor and gear for outboards and persons and gear for inboards) is dependent upon its maximum displacement, or, the weight of the volume of water it displaces at maximum level immersion. The maximum persons capacity of a boat (expressed both pounds and in a number of persons) is dependent upon the amount of weight which can be added along the outboard extremity of the passenger carrying area, at the height of the seat nearest the center of that area, until the boat assumes maximum list without water coming into the boat.

Some boats such as PWC and submarines do not have open hulls into which water will flow. As a result, it is physically impossible to test them for compliance with the standard set forth by the regulation. Therefore, the manufacturers of these types of recreational vessels petition for an exemption to the safe loading requirements. Other boats such as airboats, with their high center of gravity, and mini bass boats, with virtually no open load carrying area into which water will flow, rate unusually low maximum weight and maximum persons capacities as compared to similar size conventional boats. Therefore, the manufacturers of these boats submit petitions for exemptions to the safe loading regulations as well. Because a safe loading determination is necessary to comply with the display of capacity regulations, manufacturers who petition for a safe loading exemption also petition for exemption from display of capacity information regulations.

Safe Powering

The safe powering regulations require manufacturers of most monohull outboard powered boats less than 20 feet to determine a maximum horsepower capacity by performing certain calculations and using a table appearing in the regulations. A separate and optional performance test is permitted for manufacturers of smaller runabouts that meet certain specifications. Some outboard powered PWC-type vessels have remote wheel steering, but they lack a transom making it impossible to use either the calculation method or the performance test method for computing horsepower. Therefore, manufacturers of outboard-powered PWC must petition for an exemption to the safe powering regulations

Flotation

The flotation regulations intend to ensure that manufacturers equip recreational boats with sufficient flotation material to induce people to remain with the boat when the boat becomes swamped with water. With sufficient flotation material, the boat will serve as a safety platform where people can remain until located and rescued. Flotation regulations require manufacturers to equip boats with enough flotation material to provide either basic flotation or level flotation depending upon the boat's propulsion system. A maximum persons capacity determination in accordance with the safe loading regulations is an essential part of the flotation formulas for both basic and level flotation. Because it is impossible to calculate a maximum persons capacity for PWC (see the above discussion in the *Safe Loading* section), PWC manufacturers are unable to calculate the amount of flotation material to show compliance with the flotation regulations. Therefore, PWC manufacturers must petition for an exemption from the flotation regulations.

Electrical and Fuel Systems

The electrical-system regulations contain requirements for ignition protection of electrical components, installation of batteries, wiring, grounding and overcurrent protection. They are intended to reduce the incidence of ignition sources that could possibly lead to fires or explosions. The fuel-system regulations contain a variety of requirements for fuel tanks, fuel pumps, fuel hoses and carburetors; fittings, joints and connections; and system tests. They are intended to reduce the incidence of gasoline fuel-system leaks which could lead to fires and explosions.

The Coast Guard patterned the electrical and fuel system regulations after voluntary standards set forth by the National Fire Protection Association (NFPA), the American Boat and Yacht Council (ABYC), the Society of Automotive Engineers (SAE), Underwriters Laboratories (UL), and Coast Guard sponsored research. Those voluntary standards and the Coast Guard research consider only conventional inboard and sterndrive boats that are typically longer than 16 feet and have conventional hull construction, where the operator and passengers ride within the confines of the hull adjacent to, or directly above, the engine spaces. The internal volume of the engine rooms of the inboard boats on which the electrical and fuel system regulations are based exceeds 10 cubic feet. PWC do not typically have those attributes. The Coast Guard has granted most PWC manufacturers exemptions from the electrical and fuel systems regulations because they meet the intent of the regulations by featuring the following attributes: sealed electrical systems, fuel systems that continue to operate without leakage when oriented in any position, fuel pumps and carburetors that contain only minimal amounts of fuel and relatively small net-engine compartment volumes.

Ventilation

The ventilation regulations apply to all boats with gasoline engines, including most outboard powered boats. The regulations covering powered ventilation systems, when promulgated, however, did not consider vessels that had a tendency to capsize and would ingest water into blower intakes. Nor did the regulations specify blower capacities appropriate for the minimal net compartment volumes of most PWC. Therefore, the Coast Guard has granted exemptions from the powered ventilation regulations to manufacturers of inboard PWC.

Start-in-Gear Protection

The start-in-gear protection regulations apply to outboard motors capable of producing more than 115 pounds of static thrust, and to controls associated with the use of such motors. The regulations are intended to prevent motors from being started in gear, thereby reducing the incidence of falls overboard. Several manufacturers of outboard motors for racing purposes

have received exemptions from the start-in-gear protection requirement.

The Exemption Process

A boat manufacturer petitions for an exemption from regulations by sending the Coast Guard's Recreational Boating Product Assurance Division a letter describing the boat for which the exemption is sought, the reasons why the application of a regulation is impractical or unreasonable, and providing data or arguments that demonstrate why boating safety will not be adversely affected. Each petition for an exemption is considered on its own merits. To obtain an exemption, the manufacturer must show that the boat for which the exemption is sought achieves an acceptable level of safety in keeping with the intent of Federal boating safety laws.

The grant of exemption contains language that requires the manufacturer to display a label different than the typical certification label to alert the owner or operator that the boat does not comply with the Coast Guard standards published in the Code of Federal Regulations. An exemption lasts for a period of three years after which the manufacturer must petition the Coast Guard for an extension. If the manufacturer changes the design or construction of a boat subject to the provisions of an exemption, or if the manufacturer begins producing additional model boats, the manufacturer must petition the Coast Guard for an amendment to the provisions of the grant of exemption.

Petition for Rulemaking

On September 20, 1998, Mr. Fernando Garcia, Chairman, National Marine Manufacturers Association (NMMA) PWC Certification Committee, sent a petition for rulemaking to the Commandant of the Coast Guard on behalf of the NMMA and the Personal Watercraft Industry Association (PWIA). The petition encourages the Coast Guard to allow manufacturers to comply with certain industry standards for PWC instead of requiring them to undergo the exemption process for every new model. Specifically, the petition recommends the Coast Guard adopt the ISO 13590 manufacturing standards as an alternative to the exemption process. The petition is available for inspection in the public docket for this rulemaking. You can access the petition for rulemaking in the public docket. To access the public docket, see the **ADDRESSES** section of this publication.

NTSB Report

On May 19, 1998, the National Transportation Safety Board (NTSB) issued a report that recommended the Coast Guard eliminate the existing process of exempting personal watercraft from the regulations in 33 CFR Parts 181 and 183 and develop safety standards specific to personal watercraft. You can access the excerpt from the NTSB report in the public docket. To access the public docket, see the **ADDRESSES** section of this publication. You can purchase your own copy of the entire NTSB report by ordering report number PB98–917002 from: National Technical Information Service, 5285 Port Royal Road, Springfield, VA, 22161, (703) 605–6000.

Public Meeting

The Coast Guard does not now plan to hold a public meeting in response to this petition. But you may request one by submitting a request to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If the Coast Guard determines that one would aid the consideration of this petition, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Request for Comments

The Coast Guard encourages you to submit comments and related material answering the questions below. We also welcome any other comments in connection with this notice. Please include with your submission your name and address, identify the docket number for this rulemaking (USCG–1998–4734), indicate the specific question of this document to which each comment applies, and give the reason for each comment. You may submit your comments and material by mail, hand delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES**; but please submit your comments and material by only one means. If you submit them by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. Your comments will help us to determine whether to initiate a rulemaking in accordance with the petitioner's request.

Questions

1. Should the Coast Guard formally recognize a definition of PWC? If no, why not? If yes, what definition of PWC should the Coast Guard adopt? What types of vessels should the definition of PWC include or exclude? Should the definition of PWC include vessels equipped to carry multiple persons and large volumes of cargo? How many people and how large should a PWC be allowed to get before it would fall outside of the definition? Vessels called PWC also have been referred to as thrill craft, sport boats, jet skis, water scooters, etc. What should this type of vessel be called? Why?

2. Should the Coast Guard continue to require PWC manufacturers to petition the Coast Guard for exemptions to the manufacturing regulations for recreational boats? Why or why not?

3. Should the Coast Guard develop a method other than the exemption process to require PWC manufacturers comply with Federal recreational boating safety laws? If no, why not? If yes, what alternate method should the Coast Guard develop? Examples of alternate regulatory methods to the exemption process include (1) requiring that PWC manufacturers meet prescribed industry design standards such as ISO 13590 standards, SAE standards, or some other industry standard or (2) developing manufacturing regulations that address accidents associated with the specific design of PWC.

4. The Coast Guard also grants exemptions for other categories of non-conventionally designed recreational boats. Some include airboats, hovercraft, submarines, drift boats, race boats, and mini bass boats. Should the Coast Guard develop a method other than the exemption process to require manufacturers of those non-conventionally designed boats to comply with Federal recreational boating safety laws? Why or why not?

Dated: October 6, 1999.

Terry M. Cross,

Rear Admiral, U.S. Coast Guard, Acting Assistant Commandant for Operations.

[FR Doc. 99–27283 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Parts 217 and 219

National Meetings on Forest Service System Land and Resource Management Planning Regulations

AGENCY: Forest Service, USDA.

ACTION: Notice of meetings.

SUMMARY: On October 5, 1999, the Department of Agriculture, Forest Service published proposed regulations guiding land and resource management planning on national forests and grasslands (64 FR 54073). The Forest Service is scheduling 23 national town hall meetings to discuss the proposed planning regulations.

DATES: The town hall meetings are scheduled from October 26 through December 9.

ADDRESSES: The meetings will be held at the locations and times listed in the table under **SUPPLEMENTARY INFORMATION.**

Written comments on the proposed planning regulations can be sent to the following: via mail at CAET–USDA, Attn. Planning Rule, Forest Service, USDA 200 East Broadway, Room 103, PO Box 7669, Missoula, MT 59807; via email at planreg/wo__caet@fs.fed.us; or via facsimile at (406) 329–3021.

FOR FURTHER INFORMATION CONTACT: Bob Cunningham, telephone: (202) 205–2494.

SUPPLEMENTARY INFORMATION: The 23 town hall meetings will provide an opportunity for the public to learn about the proposed planning regulations. Participants will be briefed on major themes of the proposed regulations which were published in the **Federal Register** on October 5, 1999 (64 FR 54073).

The meetings will be held at the locations and times listed in the following table:

Date	City	Location	Time
Tuesday, October 26	St. Louis, MO	St. Louis Airport Hilton, 10330 Natural Bridge Road	6–9 p.m.
Tuesday, October 26	Hanover, NH	Dartmouth College, Kendall Lounge	6–9 p.m.
Thursday, October 28	Duluth, MN	Duluth Entertainment and Convention Center, 350 Harbor Drive.	6–9 p.m.
Monday, November 1	Boise, ID	Owyhee Plaza Hotel, 1109 Main Street	6–9 p.m.
Tuesday, November 2	Olympia, WA	Olympic National Forest Headquarters, 1835 Black Lake Boulevard, SW.	6–9 p.m.
Thursday, November 4	Juneau, AK	Mendenhall Glacier Visitor Center, Glacier Spur Road	6–9 p.m.
Thursday, November 4	Salem, OR	Quality Inn Salem, 3301 Market Street, NE	6–9 p.m.
Tuesday, November 9	Casper, WY	Parkway Plaza, I–25 & Center Street	6–9 p.m.
Wednesday, November 10	Reno, NV	Sands Regency Hotel, 345 North Arlington Avenue	6–9 p.m.
Saturday, November 13	Los Angeles, CA	Los Angeles River Center, 570 West Avenue 26	9 a.m.–12 noon.
Saturday, November 13	Denver, CO	Rocky Mountain Regional Office, USDA Forest Service Auditorium, 740 Simms Lakewood, CO.	9 a.m.–12 noon.
Tuesday, November 16	Little Rock, AR	Hilton Inn, 925 South University	6–9 p.m.
Tuesday, November 16	Bozeman, MT	Holiday Inn, 5 Baxter Lane	6–9 p.m.
Thursday, November 18	Jackson, MS	Ramada Inn Southwest Conference Center, Ellis Avenue and I–20 West.	6–9 p.m.
Thursday, November 18	Missoula, MT	4B's Inn, Missoula South, 3803 Brooks Street	6–9 p.m.
Saturday, November 20	Coeur d'Alene, ID	Idaho Panhandle National Forest Headquarters, 3815 Schreiber Way.	9 a.m.–12 noon.
Tuesday, November 30	Montrose, CO	Montrose Pavilion, 1800 Pavilion Drive	6–9 p.m.
Wednesday, December 1	Grayling, MI	Grayling Holiday Inn, 2650 I–75 Business Loop	6–9 p.m.
Thursday, December 2	Albuquerque, MN	Albuquerque Convention Center, 401 Second Street, NW.	6–9 p.m.
Saturday, December 4	Asheville, NC	North Carolina Arboretrum, 100 Fredrick Law Olmstead Way.	9 a.m.–12 noon.
Tuesday, December 7	Salt Lake City, UT	Hilton Hotel, 150 West, 500 South	6–9 p.m.
Thursday, December 9	Sacramento, CA	Sacramento Convention Center, 1030 Fifteenth Street	6–9 p.m.
Thursday, December 9	Phoenix, AZ	Chaparral Suites Hotel, 5001 North Scottsdale Road, Scottsdale.	6–9 p.m.

Dated: October 14, 1999.

Gloria Manning,

Associate Deputy Chief, National Forest System.

[FR Doc. 99–27252 Filed 10–18–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

42 CFR Part 8

[Docket No. 98N–0617]

Narcotic Drugs in Maintenance and Detoxification Treatment of Narcotic Dependence; Repeal of Current Regulations and Proposal To Adopt New Regulations; Notice of Public Hearing

AGENCIES: Substance Abuse and Mental Health Services Administration.

ACTION: Notice of public hearing.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Substance Abuse Treatment (CSAT) in conjunction with the Food and Drug Administration and other Federal agencies will convene a public hearing on proposed regulations for opioid drugs in the treatment of narcotic addiction. The purpose of the hearing is to provide an opportunity for interested parties to convey comments on the proposed rule to a panel composed of representatives from Federal agencies.

DATES: The hearing will be held on November 1, 1999, from 9 a.m. to 5 p.m. Written notice of participation should be filed by October 26, 1999.

ADDRESSES: The public hearing will be held in Conference Room D, 6001 Executive Blvd., Rockville, MD 20852. Written notices of participation and any comments are to be sent to CSAT

(Proposed Rule Public Hearing), Office of Pharmacological and Alternative Therapies, Rockwall II, 5515 Security Lane, Rockville, MD 20857. Notices can also be faxed to 301–480–3045. Transcripts of the public hearing may be requested in writing from the Freedom of Information Office, SAMHSA, 5600 Fishers Lane, rm. 13C–05, Rockville, MD 20857, approximately 15 working days after the hearing, at a cost of 10 cents per page. The transcript of the public hearing, copies of data and information submitted during the hearing, and any written comments will be available for review at the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20857 between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Lubran, Center for Substance Abuse Treatment (CSAT), SAMHSA, Rockwall II, 5515 Security Lane, Rockville, MD 20857, 301–443–0744, FAX 301–480–3045, e-mail *rlubran@samhsa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In a **Federal Register** notice published July 22, 1999, (64 FR 39809) the Secretary of the Department of Health and Human Services (HHS) proposed to revise the conditions for the use of narcotic drugs in maintenance and detoxification treatment of opioid addiction. The proposal included the repeal of the existing narcotic treatment regulations enforced by the Food and Drug Administration (FDA), the creation of a new regulatory system based on an accreditation model under new 42 CFR Part 8, and a shift in administrative responsibility and oversight from FDA to the Substance Abuse and Mental Health Services Administration (SAMHSA). It must be stressed, however that in the interim, until the proposal is finalized and effective, treatment programs will remain subject to FDA oversight and monitoring.

Several entities representing treatment providers, patients, State regulatory authorities, and others have approached SAMHSA and FDA to request an opportunity to present comments to Federal representatives in the forum of a public hearing. SAMHSA and FDA have determined that it would be valuable to convene a public hearing on the proposed rule.

II. Public Hearing Topics

The public hearing is intended to provide an opportunity for public comment on the proposed rule in its entirety. Participants are encouraged to review and comment upon any portion of the proposal. The July 22, 1999, proposal, however, identified and solicited comments on a few specific issues. These issues are restated below for emphasis, but are not intended to preclude participants from providing public hearing comments on any issue relating to any aspect of the proposal:

1. Accreditation Impact Study

The July 22, 1999, notice described in detail a SAMHSA/CSAT study of 180 randomly selected, volunteer OTPs. The study is designed to provide useful information for refining the accreditation model. Importantly, no OTP participating in the study will be prohibited by the FDA or the Drug Enforcement Administration (DEA) from operating because of failure to meet the standards for accreditation. It was also noted that an external advisory group, established as part of SAMHSA's CSAT National Advisory Council will assist in the evaluation of the study data. Ultimately, the Council will provide recommendations to SAMHSA on the accreditation project. These recommendations will be reviewed and discussed among Federal agencies represented in the Interagency Narcotic Treatment Policy Review Board, which includes ONDCP. SAMHSA and FDA request specific comments on this review process.

2. Accreditation, Conflicts of Interest

Proposed § 8.3(b)(6) and § 8.4(g) address the policies and procedures established by the accreditation bodies to avoid conflicts of interest, or the appearance of conflicts of interest, by the applicant's board members, commissioners, professional personnel, consultants, administrative personnel, and other representatives. The proposal requested comments on the types of financial conflicts that should be prohibited, or on the amount of financial interest that may be considered *de minimus* such that it would not rise to a conflict of interest.

3. States as Accreditation Bodies

Proposed § 8.3(a) defines the term ''accreditation body'' to mean a body that has been approved by SAMHSA under proposed § 8.3 to accredit OTPs. Under the proposal, private nonprofit organizations as well as State governmental entities, including a political subdivision of a State (such as a county) may apply to serve as an accreditation body. However, proposed § 8.3 would limit eligibility to those applicants (including States and political subdivisions of a State) who demonstrate that they will be able to accredit at least 50 OTPs per year. The proposed rule specifically requested comment on this requirement, which was proposed to ensure the quality of the accreditation services performed by accreditation bodies and to minimize the variability in the standards used by accrediting organizations.

4. Procedures for Suspension/ Revocation of Certification and Accreditation Body Approval

Proposed §§ 8.21–8.34 addresses the process and procedures for revoking approval or certification, including the procedures for a hearing. The proposal noted that DEA also has a process for review when a registration is revoked or suspended consistent with the requirements of 21 U.S.C. § 824(c). The notice discussed possibilities for consolidating hearings under the lead of one agency. The Secretary, while proposing a separate hearing process, seeks comment on the proposed process.

5. Federal Opioid Treatment Standards, Criteria for Admission to Treatment

Under proposed § 8.12(e)(2) and (e)(4) the Secretary proposed a waiting period of no less than 7 days between detoxification treatment episodes. However, the Secretary tentatively concluded that 7 days is more time than is needed for this purpose, and may unnecessarily expose addicts to increased risks from HIV and other infectious diseases. The proposal requested comments on a shorter period, perhaps 2 days, as a waiting period between detoxification admissions.

6. Office-Based Treatment

The preamble to the proposed rule discussed the growing interest in providing treatment outside the traditional treatment program setting as a way to increase access to treatment in general. In addition, the notice specifically requested comments on how the Federal opioid treatment standards might be modified to accommodate office-based treatment and on whether a separate set of Federal opioid treatment standards should be included in this rule for office-based treatment.

7. Medications Dispensed for Unsupervised Use (''Take-Homes'')

In the July 22, 1999, notice, the Secretary proposed four options for determining whether OTPs comply with standards respecting the quantities of opioid drugs which may be provided to patients for unsupervised use. The

Secretary specifically requested comment on these approaches, as well as the optimal combination of regulatory requirements, accreditation elements, and oversight procedures to reduce the risks of diversion.

8. Analysis of Impacts

The July 22, 1999, proposal included an extensive review and analysis of the estimated cost to affected opioid treatment programs for complying with the new regulations and the estimated cost to SAMHSA for enforcing the proposed regulations. The average annual net cost of this regulation was estimated to be $4.4 million. The notice requested comments and information to further assess or estimate the costs for programs to meet the requirements of the current regulations. In addition, the proposal requested comments on how to address the impact of the estimated costs on small entities.

III. Scope of Hearing

The purpose of this hearing is to provide an additional opportunity for Federal officials to gather information that will aid in evaluating the proposed rule issued on July 22, 1999. In addition, it will provide an opportunity for panelists representing Federal agencies with interests and responsibilities in this area to question commentors, to the extent necessary, to clarify issues. It is not the purpose of this hearing to have Federal officials evaluating and making recommendations at this hearing on specific elements in the July 22, 1999, proposed rule.

IV. Notice of Hearing

SAMHSA and FDA believe the format and procedures of a public hearing, at which interested persons can testify, will provide an additional opportunity to elicit the information needed to evaluate further the July 22, 1999, proposed rule.

The public hearing is scheduled to begin at 9 a.m. in Conference Room D, Neuroscience Conference Center, 6001 Executive Blvd., Rockville, MD, 20852, on November 1, 1999. The presiding officers, H. Westley Clark, M.D., J.D., M.P.H., Director, Center for Substance Abuse Treatment (CSAT), Substance Abuse and Mental Health Services Administration, and David Lepay, M.D., Director, Division of Scientific Investigations, Center for Drug Evaluation and Research, Food and Drug Administration (FDA), will be accompanied by a panel of FDA, National Institutes of Health, DEA, Department of Veterans Affairs, and Office of National Drug Control Policy employees with relevant expertise.

Persons who wish to participate are requested to notify CSAT of their intention by writing to CSAT at the address specified above on or before October 26, 1999. To ensure timely handling, the outer envelope should be clearly marked with Docket No. 98N–0671 and the phrase ''Proposed Rule Public Hearing.'' The notice of participation should contain the interested person's name, address, telephone number, facsimile number, any business or organizational affiliation of the person desiring to make a presentation, a brief summary of the presentation, and the approximate time requested for the presentation. CSAT and FDA may ask that groups having similar interests consolidate their comments as part of a panel. CSAT and FDA will allocate the time available for the hearing among the persons who properly file notices of their intent to participate. If time permits, CSAT and FDA will allow interested persons attending the hearing who did not submit a notice of participation in advance to make an oral presentation at the conclusion of the hearing. Finally, CSAT and FDA request that those persons interested in attending the hearing, but not intending to testify, should also notify CSAT of the their intent to do so.

Persons who find that there is insufficient time to submit the required information in writing may give oral notice of participation by calling Mr. Robert Lubran (telephone number above) no later than October 29, 1999.

After reviewing the notices of participation and accompanying information, CSAT and FDA will schedule each appearance and notify each participant by mail or telephone of the time allotted to the persons and the approximate time the person's oral presentation is scheduled to begin. The hearing schedule will be available at the hearing.

It should be noted that there are other opportunities for all interested persons to submit data, information, or views on the July 22, 1999, proposed rule. As noted in July 22, 1999, notice, the administrative record will remain open until November 19, 1999. Persons who wish to provide additional materials for consideration are to file these materials in accordance with the instructions provided in that notice.

The hearing is informal, and the rules of evidence do not apply. No participant may interrupt the presentation of another participant. Only the presiding officers and panel members may question any person during or at the conclusion of a presentation.

Dated: October 12, 1999.

Nelba Chavez,

Administrator, Substance Abuse and Mental Health Services Administration.

[FR Doc. 99–27299 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–17–P

OFFICE OF MANAGEMENT AND BUDGET

Office of Federal Procurement Policy

48 CFR Part 9903

Cost Accounting Standards Board; Notice of Open Public Meeting and Extension of Public Comment Period

AGENCY: Cost Accounting Standards Board, Office of Federal Procurement Policy, OMB.

ACTION: Notice of meeting and extension of comment period.

SUMMARY: The Cost Accounting Standards Board (CASB) hereby extends an invitation for interested parties to attend an open meeting with the Board and its staff on Monday, December 6, 1999. Currently, the Board anticipates holding the meeting from 9:00 a.m. until 5:00 p.m. The meeting will be held in the auditorium of the General Services Administration, 18th and F Streets, NW, Washington, DC 20405. During this meeting, the Board would like to hear the views of interested parties concerning the regulatory topics covered in the recent Supplemental Notice of Proposed Rulemaking (SNPRM–II), regarding ''Changes in Cost Accounting Practices,'' 64 FR 45700 (8/20/99).

In addition, the Board is extending the public comment period for the SNPRM–II, 64 FR 45700, until November 22, 1999.

DATES: The meeting will be held on December 6, 1999, from 9:00 a.m. to 5:00 p.m. Due to time considerations, individuals desiring to make a presentation before the Board, must notify the CASB staff, in writing, no later than November 22, 1999. Public comments on the SNPRM–II must be received, in writing, no later than November 22, 1999.

ADDRESSES: The meeting will be held in the auditorium of the General Services Administration, 18th and F Streets, NW, Washington, DC 20405. Requests to make a presentation at the meeting must be in writing, and must be addressed to Cost Accounting Standards Board, Office of Federal Procurement Policy, 725 17th Street, NW, room 9013,

Washington, DC 20503. Attn: CASB Docket No. 99–01. Public comments on the SNPRM–II should continue to reference CASB Docket No. 93–01N(3).

FOR FURTHER INFORMATION CONTACT: Richard C. Loeb, Executive Secretary, Cost Accounting Standards Board (telephone 202–395–3254).

SUPPLEMENTARY INFORMATION: The Cost Accounting Standards Board will hold an open public meeting on December 6, 1999. The purpose of this public meeting will be to hear the views of interested persons concerning the regulatory topics covered in the Board's recent Supplemental Notice of Proposed Rulemaking (SNPRM–II) regarding ''Changes in Cost Accounting Practices'' 64 FR 45700 (8/20/99).

To gain admittance, individuals desiring to attend this meeting must notify the Board's staff, in writing, at the above listed address, by the deadline noted. If an individual desires to make a presentation to the Board at this session, he or she is required to submit a brief outline of the presentation when making the request. In addition, a full written statement must be submitted one week prior to the meeting. In lieu of making an oral presentation, individuals may submit a written statement for the record. Due to time limitations, the Board will notify individuals of their speaking status (time) prior to the meeting. Time allocations for oral presentations will depend on the number of individuals who desire to appear before the Board.

Also, due to various requests, the Board is extending the period for receipt of public comments on this SNPRM–II. To be considered, comments must be received no later than November 22, 1999.

Nelson F. Gibbs,

Executive Director, Cost Accounting Standards Board.

[FR Doc. 99–27207 Filed 10–14–99; 1:10 pm]

BILLING CODE 3110–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Availability of a Status Review of the Atlantic Salmon in the Gulf of Maine Distinct Population Segment

AGENCIES: National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Commerce; Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: A Biological Review Team (Team), consisting of National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (FWS) (Services) biologists, has completed a review of the status of Atlantic salmon in the Gulf of Maine distinct population segment (DPS) (Review of the Status of Anadromous Atlantic Salmon (*Salmo salar*) under the U.S. Endangered Species Act, July, 1999).

DATES: You should request copies of the July, 1999, status review by November 18, 1999.

ADDRESSES: Requests should be addressed to Mary Colligan, NMFS, Protected Resources Division, One Blackburn Drive, Gloucester, Massachusetts, 01930, or Paul Nickerson, FWS, 300 Westgate Center Drive, Hadley, MA, 01035.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, NMFS (978–281-9116) or Paul Nickerson, FWS (413–253–8615) at the above addresses.

SUPPLEMENTARY INFORMATION: The Team has completed a review of the biological status of Atlantic salmon in the Gulf of Maine DPS, including an assessment of the adequacy of protective measures, the extent of implementation of these measures, and the effect of these measures on Atlantic salmon and their habitat. This status review is an update to the 1995 Atlantic salmon status review and indicates that, under current circumstances, it is the opinion of the Biological Review Team that the Gulf of Maine DPS is in danger of extinction.

Availability of Documents

You may obtain copies of the July, 1999, status review from Mary Colligan or Paul Nickerson (see **ADDRESSES** section).

Background Information

On December 18, 1997, the Services withdrew a proposed rule to list a distinct population segment of Atlantic salmon in seven Maine rivers as ''threatened'' under the Endangered Species Act of 1973, as amended (Act) (62 FR 66325). In reaching this determination, the Services considered the status of the Atlantic salmon in the seven Maine rivers. This evaluation took into account the efforts made to protect the species including the State of Maine Atlantic Salmon Conservation Plan (Conservation Plan) for the Seven Rivers, private and Federal efforts to restore the species, and international efforts to control ocean harvest through the North Atlantic Salmon Conservation Organization. The Services determined that these efforts substantially reduced threats to the species; that the seven rivers DPS of Atlantic salmon was not likely to become endangered in the foreseeable future; and that, therefore, listing under the Act was not warranted. The populations that constituted the seven rivers DPS were those in the Dennys, East Machias, Machias, Pleasant, Narraguagus, Ducktrap, and Sheepscot Rivers. However, the Services renamed the seven rivers DPS the ''Gulf of Maine DPS'' in recognition of the possibility that Atlantic salmon in other Maine rivers could be added to the DPS in the future. The Services stated that Atlantic salmon populations in other rivers would be added to the DPS if they were found to be naturally reproducing and have historical river-specific characteristics. The geographic area within which populations of Atlantic salmon would be likely to meet the criteria for inclusion in the DPS was identified as ranging from the lower tributaries of the Kennebec River north to, but not including, the St. Croix River.

With the withdrawal of the proposed listing rule, the NMFS retained the Gulf of Maine DPS of Atlantic salmon on its list of candidate species, and the Services committed to maintaining oversight of the species. Specifically, the Services stated in the withdrawal notice that the process for listing the Gulf of Maine DPS would be reinitiated if: (1) An emergency which poses a significant risk to the well-being of the Gulf of Maine DPS is identified and not immediately and adequately addressed; (2) the biological status of the Gulf of Maine DPS is such that the DPS is in danger of extinction throughout all or a significant portion of its range; or (3) the biological status of the Gulf of Maine DPS is such that the DPS is likely to become endangered in the foreseeable

future throughout all or a significant portion of its range. Further, the withdrawal notice stated that the circumstances described under (1), (2), and (3) could result from: insufficient progress in implementation of the Conservation Plan; a failure to modify the Conservation Plan to address new threat(s) or an increase in the severity of threat(s); a failure to modify the Conservation Plan, if necessary, to address threat(s) facing any other populations added to the Gulf of Maine DPS in the future; or the inability of the State of Maine to address threat(s). The notice stated that a decision to reinitiate the listing process generally would be made shortly after the end of an annual reporting period.

In the withdrawal notice, the Services committed to making the State of Maine's annual report on the implementation of their Conservation Plan available for review to the public in order to keep interested parties informed and to provide an opportunity for comment. The annual review of the Conservation Plan was part of the Services' broader comprehensive review of the species' status relative to the Act. On January 20, 1999, the first State of Maine annual report on implementation of the Conservation Plan was made available for public review and comment. The Services published a **Federal Register** notice on that day, opening a comment period until March 8, 1999. The Services reviewed all public comments received on the draft annual report and provided a summary of those, along with their own comments, to the State of Maine in March 1999. The Services received a final revised annual report from the State of Maine on April 13, 1999.

The July, 1999, Atlantic salmon status review identifies changes in species status, threats, and protection since the withdrawal notice. The updated status review states that, under current circumstances, it is the opinion of the Biological Review Team that the Gulf of Maine DPS is in danger of extinction. The status review also states that there are now at least eight rivers in the DPS range that still contain functioning populations, but at substantially reduced abundance levels. Recent survey work indicates that a naturally reproducing population that contains historic-river-specific characteristics also remains in Cove Brook and therefore warrants inclusion in the Gulf of Maine DPS. The FWS has designated the Atlantic salmon Gulf of Maine DPS as a candidate for listing. The FWS and NMFS will promptly begin preparation of a proposed rule to list this DPS of Atlantic salmon under the Endangered Species Act.

Dated: September 30, 1999.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

Dated: October 6, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 99–27377 Filed 10–15–99; 4:24 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 216

[Docket No. 990922260–9260–01; I.D. 083199E]

RIN 0648–AM84

Designation of the Cook Inlet, Alaska, Stock of Beluga Whale as Depleted Under the Marine Mammal Protection Act (MMPA) and Response to Petitions

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to designate the Cook Inlet beluga whale stock as depleted under the MMPA. No Endangered Species Act (ESA) determination on listing this stock as a threatened or endangered species is made at this time. NMFS will issue an ESA determination within 12 months of NMFS's receipt of the petition (April 9, 1999), following the 1999 NMFS aerial survey and other factors which may affect such a determination. This action, pursuant to the MMPA, is necessary to address the sharp decline in the number of Cook Inlet beluga whales. It is intended as a conservation measure to reverse the decline and eventually to rebuild the numbers within the Cook Inlet beluga whale stock.

DATES: Comments and information must be received by December 20, 1999.

ADDRESSES: Comments should be addressed to the Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1335 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Michael Payne, NOAA/NMFS, Alaska Region, (907) 586–7235, or Brad Smith, NOAA/NMFS, Alaska Region, Anchorage Field Office, (907) 271–5006.

SUPPLEMENTARY INFORMATION:

Background

The beluga whale, *Delphinapterus leucas*, is a small toothed whale inhabiting arctic and subarctic waters. Alaska contains five separate stocks of beluga whale, the smallest of which occurs in Cook Inlet within south-central Alaska. The Cook Inlet stock is genetically and geographically isolated from the other Alaskan populations of beluga whales.

NMFS has conducted annual surveys of the Cook Inlet beluga whale between 1994 and 1998. Results show a sharp decline in estimated abundance, with the 1998 estimate (347 animals) nearly 50 percent lower than the 1994 estimate (653 animals). Historical estimates of abundance are not available; however, Native hunters have stated their belief that the stock numbered at least 1,000 animals as recently as the 1980s.

The Cook Inlet beluga whale stock is hunted by Alaska Natives. The subsistence harvest levels of Cook Inlet beluga whales have been largely unreported; however the hunter groups and some individual hunters have provided NMFS with documented information on the harvest for 1994–1997. From these data, NMFS estimates the total Cook Inlet subsistence harvest at a mean annual level of 87 whales (including those landed and struck and lost).

At the current decline of 15 percent per year, the Cook Inlet beluga whale stock would be reduced to 50 percent of its current level within 5 years. This level of removal is significant.

As a result of the recent decline in this stock, NMFS initiated a status review of the Cook Inlet beluga whale stock with a request for public comment (63 FR 64228, November 19, 1998). Additionally, NMFS received a petition from the State of Alaska on January 21, 1999, to designate the Cook Inlet beluga stock as depleted under the MMPA. On March 3, 1999, NMFS received another petition from seven organizations and one individual to list the Cook Inlet stock of beluga whale as ''endangered'' under the ESA. This petition requested emergency listing under section 4(b)(7) of the ESA, designation of critical habitat, and immediate action to implement regulations to regulate the subsistence harvest of these whales. On March 10, 1999, NMFS received a petition to designate the Cook Inlet stock of beluga whales as depleted under the MMPA and to list it as ''endangered'' under the ESA. NMFS has determined that these petitions present substantial information to indicate that the petitioned action may

be warranted (64 FR 17347, April 9, 1999).

The review process encompassed an examination of the present status and health of the species and promulgation of recommendations for possible designation under the MMPA and/or ESA. To ensure that the status review was comprehensive and based on the best available scientific data, NMFS presented a scientific review of this stock on March 8–9, 1999, in Anchorage, Alaska, and received public comments and recommendations. Comments received by NMFS during the status review comment period are responded to in the following section.

Comments and Responses

Comment 1: NMFS received 18 recommendations to act immediately, either through an ESA listing or an MMPA designation, to protect Cook Inlet beluga whales. One less specific comment recommended whatever action necessary to halt the decline. Several commenters claimed that an ESA listing would take longer than a depleted designation. One noted the timeline for issuance of a final rule on ''depleted'' status in response to a petition may be considerably shortened if the Secretary determines that there is substantial information available to warrant the final status determination and that further delay would pose a significant risk to the stock's well-being; a number of other commenters claimed that an ESA listing would be more expeditious than an MMPA designation.

Response: NMFS agrees that timely action is necessary to conserve Cook Inlet beluga whales. Because Native harvest is believed to be responsible, in large part, for the observed level of decline in this stock's numbers since 1994, the immediate need to protect this stock and the comments received in support of an immediate ESA listing are directly related to the need to control this harvest. The MMPA and ESA both provide mechanisms to limit a harvest through regulation; however, the promulgation of regulations to govern the Native harvest requires that the species are listed as threatened or endangered under the ESA or as a depleted stock under MMPA. The procedures required for regulations to limit subsistence harvest also provide for administrative hearings. NMFS does not believe that even an immediate action to list this stock would have allowed sufficient time to promulgate Federal harvest restrictions during the 1999 season.

NMFS considers Native subsistence harvests over the last several years a significant factor in the observed decline of beluga whales in Cook Inlet. Given the recent passage of legislation that prohibits the subsistence harvest of beluga whales in Cook Inlet until October 1, 2000, unless that harvest occurs as part of a cooperative agreement between NMFS and an authorized Alaskan Native Organization (ANO), the designation of this stock as depleted under the MMPA provides the most expeditious and appropriate Federal response. It protects the Cook Inlet beluga from overharvest during the period, prior to expiration of the amendment, and eliminates the most causal threat to the recovery of this stock of whales, thereby allowing for recovery of their numbers. However, NMFS recognizes that the legislation provides for a temporary limit to the harvest. NMFS will work with the ANOs to develop regulations and cooperative agreements as necessary to ensure that overharvest will not occur in future years.

Because NMFS believes that the maximum protection that can be afforded this stock at this time will be provided through the legislation and a depleted designation and that the immediate threat to this stock is removed, no determination on listing this stock as a threatened or endangered species under the ESA is made at this time. NMFS will issue a determination on ESA listing within 12 months of receipt of the petitions. The final determination will include consideration of the level of removals from the stock during 1999, the results of the 1999 NMFS abundance surveys, the level of total takes during 1999, and any other factors which may affect this stock. For these reasons, NMFS is proposing that the stock be designated as depleted under the MMPA.

Comment 2: One commenter expressed support for a co-management agreement as an interim way to address overhunting and as a way to permanently complement stringent ESA and/or MMPA protective measures. At least six other commenters were supportive of this in addition to an MMPA or ESA designation.

Two additional commenters recommended accomplishing the following tasks through a co-management process involving the Cook Inlet Marine Mammal Council (CIMMC), the Alaska Beluga Whale Committee (ABWC), NMFS, and Cook Inlet beluga hunters:

(1) Restriction of the harvest to one beluga per Cook Inlet hunter per year;

(2) Restriction of hunting by non-local hunters;

(3) Funding to CIMMC to allow the group to effectively communicate with hunters, produce educational materials, meet regularly, and be meaningfully involved in harvest monitoring and research; and

(4) Development of a legal mechanism to enforce the conservation provisions recommended through this co-management process.

A ninth commenter urged NMFS to work with U.S. Fish and Wildlife Service and appropriate Native groups to develop a system of co-management.

Another commenter endorsed the idea of a co-management agreement, but only following an ESA listing and the development of a recovery plan which would stabilize the whales' population.

Two more commenters encouraged NMFS to work with ABWC and CIMMC to finalize a co-management agreement that would place a moratorium on hunting until ESA or MMPA regulations promoting Cook Inlet beluga recovery are in place. A final commenter recommended that NMFS work closely with CIMMC on co-management while allowing for at least a very small subsistence take by members of Cook Inlet area tribes under some type of permit system.

Response: NMFS agrees that the cooperative management of this stock will provide an effective means of conserving and recovering the Cook Inlet beluga while providing for traditional subsistence uses. The Alaska Region (AKR) has worked intensively with the CIMMC and ABWC to foster co-management of the Cook Inlet beluga. NMFS believes that, in the future, co-management will provide for regulation of this stock at sustainable levels. However, no such agreement has been signed at this time, largely because many Cook Inlet hunters are unaffiliated with CIMMC or the Cook Inlet Treaty Tribes, and the ordinances of these tribes do not apply to those hunters. Any such agreement will include harvest levels, practices, enforcement mechanisms, funding, and other parameters necessary to cooperatively manage the Cook Inlet beluga. Before a cooperative agreement will be signed by the NMFS, Department of Commerce, the action will be analyzed under applicable provisions of the National Environmental Policy Act.

Comment 3: One commenter recommended that NMFS begin to explore, with the Alaska congressional delegation, the ABWC, the CIMMC, and others, amending the MMPA to limit the allowable subsistence harvest take in Cook Inlet.

Response: Several of these organizations and various petitioners approached the Alaska delegation on this issue. As a result, legislation was

recently passed, which states that the taking of a Cook Inlet beluga whale under the exemption provided in section 101(b) of the MMPA between the date of the enactment and October 1, 2000, shall be considered a violation of such Act unless such taking occurs pursuant to a cooperative agreement between the NMFS and affected Alaskan Native Organizations.

Comment 4: Six commenters recommended that NMFS take immediate action to ban commercial sale of beluga meat. Five of these six commenters recommended that the first step toward this action is a definition of wasteful take of beluga whales. These commenters felt that this action is needed before any subsistence harvest resumes.

Another commenter recommended, more specifically, prohibition of the sale and commercial use of muktuk from Cook Inlet belugas. This commenter suggested that NMFS work with ABWC and CIMMC to develop a definition of commercial use that clearly allows true subsistence use and does not allow hunting for money.

An eighth commenter suggested a ban on sale of beluga meat by regulation under the ESA [16 U.S.C. 1539(e)(4)].

A final commenter recommended that NMFS restrict the sale of beluga parts only to those Cook Inlet villages with a tradition of taking belugas from the Inlet.

Response: NMFS believes that it would be difficult to try to delineate between non-wasteful and wasteful take by quantifying customary and traditional Cook Inlet beluga harvest practices. No present mechanism exists to describe how these practices should be evaluated. The Cook Inlet beluga hunters come from many Alaskan villages, each of which may have its own traditional means of harvest. While some tribes have traditionally utilized beluga whale muktuk, skin, and meat, others retain only the muktuk. Both practices may be considered traditional. NMFS believes that the quantification of customary and traditional practices to discern wasteful and non-wasteful practices is an issue to be addressed in close consultation with the Alaska Native community, and hopefully through a cooperative management process.

With regard to a ban on the commercial sale of beluga whale meat, NMFS agrees that commercial sale of this stock is not desirable. Recent legislation (Stevens' Amendment to the MMPA), limits the Alaska Native subsistence harvest through the year 2000; therefore, no sale of Cook Inlet belugas is taking place at this time.

Comment 5: Five commenters recommended an immediate, temporary moratorium on the harvest until NMFS determines what harvest the population can sustain and until an enforceable regulatory scheme is in place.

Three commenters recommended a moratorium for the upcoming season to provide the population an opportunity to stabilize. Two commenters (previously mentioned in the co-management section) recommended a moratorium through co-management until promulgation of ESA/MMPA regulations.

One commenter recommended that a moratorium be declared pending (1) completion of the status review, (2) further clarification of the beluga whale status, and (3) adoption of whatever effective conservation measures are necessary to reverse the present decline. A final commenter recommended a moratorium on hunting of beluga whales with no mention of harvest resumption.

Response: Recent legislation has restricted beluga whale hunting in 1999 and 2000 to only that done under a cooperative management agreement between NMFS and an ANO. NMFS intends to authorize the resumption of Native harvest only at very reduced levels that assure that the stock can recover.

Comment 6: Three commenters recommended that NMFS immediately issue regulations requiring tagging/reporting of beluga whales that are harvested in any future subsistence hunt. Two additional commenters said that, at a minimum, a tagging/reporting provision should be part of a management/recovery plan.

Response: NMFS agrees. On May 24, 1999, NMFS promulgated regulations under section 109(i) of the MMPA to require the marking and reporting of beluga whales harvested from Cook Inlet (64 FR 27925). Under these regulations, Native hunters are required to collect the lower left jawbone from beluga whales harvested in Cook Inlet and to report certain information to NMFS. The jawbone and supporting information will enable NMFS to better determine the number of beluga whales taken in the subsistence harvest, their age and sex category, and the potential effects of the harvest on the Cook Inlet beluga whale stock.

Comment 7: Several commenters recommended that NMFS continue working with the state to delete critical Cook Inlet beluga whale habitat from future oil and gas leasing.

Response: NMFS has responded to the State of Alaska, Division of Oil and Gas's proposed Cook Inlet area-wide sale by recommending the deletion of certain tracts within areas of upper Cook Inlet with known concentrations of beluga whales. These areas may be important habitat for feeding/nutrition, calving, molting, and mating, as well as being sites for traditional subsistence harvest. The leasing of the tracts in question was recently halted by court action. In addition, NMFS will continue to work with the State of Alaska to evaluate the effects of oil and gas activities on beluga whales.

Comment 8: NMFS should implement an incidental take regulatory process to require oil industry operations to obtain permits before conducting seismic activities, siting drill platforms or drilling wells in Cook Inlet.

Response: Section 101(a)(5)(A) of the MMPA directs the Secretary of Commerce to allow, upon request by U.S. citizens, engaged in a specific activity (other than commercial fishing) in a specified geographical region, the incidental, but not intentional, taking of small numbers of marine mammals, if certain findings are made. NMFS has implemented a program for such authorizations, which require that the level of incidental take have only negligible impacts to the population and have no unmitigable adverse effect on the availability of marine mammals for traditional Native subsistence. These authorizations include provisions for monitoring and, where subsistence may be impacted, measures to mitigate any effect on this use and to coordinate with the affected Native community.

Comment 9: NMFS should ensure that tissue samples are collected from 100 percent of the landed whales harvested in the future.

Response: NMFS agrees and, as previously described, NMFS has promulgated regulations under the MMPA section 109(i) requiring the marking, tagging, and reporting of belugas harvested from Cook Inlet. These regulations require that the lower left jawbone from all harvested whales be collected by hunters and submitted to NMFS. This will provide important management information, including the age and sex of the whale and its genetic profile.

Comment 10: Additional studies on beluga tissue samples should be conducted to determine the effect of polyaromatic hydrocarbons on the genetics of beluga whales.

Response: At this time, NMFS does not plan to conduct research on the effects of polyaromatic hydrocarbons on beluga whale genetics. However, on-going research on these whales includes tissue sampling and archival under the Alaska Marine Mammal Tissue Archival

Project (AMMTAP). This project includes a long term tissue bank maintained at the National Institute of Science and Technology. These tissues allow future research on this subject. Additionally, NMFS is currently evaluating tissue collection protocols and analytical procedures under the AMMTAP to see if methodologies may allow for some determination of hydrocarbon exposure among this stock.

Comment11: Although supportive of the efforts by NMFS to provide observers to monitor Cook Inlet gillnet fisheries, the remaining Cook Inlet fisheries that are not currently classified in the MMPA List of Fisheries (LOF) should be reviewed to determine if they should be reclassified as Category I or II fisheries.

Response: The level of marine mammal injury or mortality caused incidental to commercial fishing is reviewed annually by NMFS relative to the abundance of each marine mammal stock. Thus, all commercial fisheries are reviewed on an annual basis for justification of their categorization. According to the most recent LOF (64 FR 9067), all Cook Inlet fisheries other than the salmon set and drift gillnet fisheries (which are Category II) warrant placement into Category III (a remote likelihood of causing serious injury or mortality to marine mammals).

Comment 12: NMFS should require consultation before state or Federal agencies take action that would affect the fisheries upon which the beluga whale relies.

Response: NMFS reviews and comments on all fishery management plans under the Magnuson-Stevens Fishery Management and Conservation Act (Magnuson-Stevens Act). These plans include habitat provisions. NMFS staff will make any appropriate recommendations necessary to protect Cook Inlet beluga whales. Additionally, the Essential Fish Habitat (EFH) mandates of the Magnuson-Stevens Act require any Federal action agency conducting an activity which may adversely affect EFH to consult with NMFS regarding the potential effects of their actions on EFH.

If beluga whales were listed under the ESA, section 7 of that act will require Federal action agencies to consult with NMFS whenever any activity which they conduct, permit, or fund may affect the species. As a depleted stock, NMFS may develop or implement conservation or management measures to alleviate any impacts on areas of ecological significance to the Cook Inlet beluga whale. Under Section 112 (e) of the MMPA, such measures shall be developed and implemented after consultation with the Marine Mammal Commission and the appropriate Federal agencies and after notice and opportunity for public comment. Therefore, under either act there are consultation provisions provided for stocks that are either depleted (MMPA), or endangered or threatened (ESA).

Comment 13: NMFS should work with State fish regulators to ensure Cook Inlet beluga food requirements are being met.

Response: The State of Alaska, Department of Fish and Game (ADFG) has offered their assistance in responding to the decline of the Cook Inlet beluga whale. Issues or concerns regarding the State's fisheries management and the health and recovery of the Cook Inlet beluga whales would be discussed between NMFS and ADFG fish management.

Comment 14: NMFS should analyze the role of available food sources in the precipitous decline of belugas in Cook Inlet.

Response: NMFS is currently conducting a study to obtain life history information on this stock. Data are being systematically collected on stock size, genetics, migratory patterns and distribution of beluga whales within Cook Inlet as well as data on the age, and stock structure, mortalities (including harvest) data, and growth. These are fundamental to designing a management program which will recover the stock and provide continued opportunity for Native harvest. Initial review of fisheries data for Cook Inlet, from State salmon management, does not show strong correlation between run strength and beluga whale numbers. Other non-commercial species of fish, such as eulachon, may be important to the diet of beluga whales, however there is limited information on the occurrence of these fish in Cook Inlet in recent years. NMFS will continue to assess the nutritive requirements of this stock in our research and management planning.

Comment 15: NMFS should coordinate with State and Federal agencies to determine the effects of logging activities on food sources .

Response: Comment noted. NMFS is unaware of any logging activities which have been shown to directly impact belugas or their prey species. Also, only private land is currently logged in Cook Inlet, and NMFS does not believe additional measures are required to assess and respond to these activities.

Comment 16: The cumulative impact of pollution sources need to be considered in management decisions.

Response: NMFS will continue to sample beluga tissue for the Alaska Marine Mammal Tissue Archival Project. Tissue samples will also routinely be sent to the NMFS's Northwest and Alaska Fisheries Science Center for contaminant analysis. Additionally, NMFS regularly coordinates with the U.S. Environmental Protection Agency, the Alaska Department of Environmental Conservation, and citizen's advocacy groups concerning pollutants in Cook Inlet. Through these efforts, we believe NMFS managers will be alert to issues concerning pollutants and their cumulative effects.

Comment 17: NMFS should provide for more enforcement of regulations prohibiting harassment of beluga whales.

Response: While more enforcement would allow broader coverage of Cook Inlet, we believe the current level of NMFS enforcement, along with supporting enforcement through the U.S. Fish and Wildlife Service and the Alaska State Troopers, is adequate to respond to the issue of harassment. The harassment of beluga whales is largely confined to waters near Anchorage, where such events are reported. Additionally, NMFS has developed criteria for commercial whale watching tours designed to minimize harassment. NMFS will remain proactive in alerting this industry to harassment issues and the prohibitions under Federal law. At this time, there are no commercial whale watching operations in upper Cook Inlet.

Comment 18: Education efforts for recreational boaters, tourism operators and shipping companies should be increased.

Response: Comment noted, see above response.

Comment 19: NMFS should compile data on vessel traffic to determine if additional regulations are necessary to protect beluga whales from impacts of vessel noise and abundance.

Response: Comment noted. Beluga whales are commonly found in areas with high commercial shipping activity and have shown tolerance for frequent passages by large vessels. High speed recreational watercraft, such as jet skis and ski boats, may disturb belugas and result in some displacement from feeding areas. NMFS will monitor such use and would consider actions if it was shown to have a significant adverse effect on these whales.

Comment 20: Construction projects should be reviewed by NMFS to ensure that potential threats are minimized.

Response: Comment noted. NMFS's Habitat Conservation Division routinely reviews construction throughout south central Alaska and makes recommendations necessary to

minimize or avoid impact to our Federal trust resources, including beluga whales.

Comment 21: NMFS must commit resources to monitoring the populations and enforcing regulations.

Response: NMFS agrees. The 1999 budget includes funds for the monitoring of upper Cook Inlet waters during the harvest season. We are continuing to develop plans for the cooperative management of the subsistence use of this stock with Alaska Natives; any cooperative agreements must provide enforcement mechanisms, and must recognize the authority of the NMFS in such enforcement.

Two additional commenters recommended that NMFS continue conducting Cook Inlet beluga population and distribution surveys and further monitor risks to their health from other sources (such as pollution, habitat loss, possible changes in food availability and disturbance).

Response: Comment noted. NMFS intends to continue research in these matters.

Comment 23: One individual recommended formalizing rescue protocol for strandings of beluga whales in Turnagain Arm.

Response: NMFS has a marine mammal stranding event program within the State of Alaska. This program brings Federal, State, and private interests together in responding to marine mammal strandings. Because live strandings do occur in upper Cook Inlet, NMFS developed a response plan for these waters. We will seek to improve this response plan as we learn more about these whales and response technology, and will involve both the public and private assets, such as the Seward Sealife Center.

Comment 24: One commenter suggested that it would be helpful if NMFS could shed more light on Cook Inlet beluga movement during winter, perhaps through satellite tagging or surgically implanted tags, if technically and practically possible.

Response: NMFS has plans to place satellite tags on Cook Inlet belugas in 1999, 2000 and 2001. Similar satellite tags previously placed on the beluga whales have lasted up to four months. To determine early winter movements, NMFS plans on tagging belugas in late summer/early fall during the next few years. Winter surveys were done in 1997, showing some belugas still in Cook Inlet. We plan to conduct winter surveys in the future.

Comment 25: One commenter questions NMFS' survey methodologies and recommends investigation into the survey design and implementation of more consistent surveying.

Response: NMFS has flown aerial surveys in Cook Inlet consistently for the last 5 years (since 1994) during the month of June. These surveys provide a thorough coverage of the coast of Cook Inlet (1,388 km) for all waters within approximately 3 km of shore. In addition, there were 1,320 km of systematic transects flown across the Inlet. Most of upper Cook Inlet is surveyed three times, in particular the Susitna Delta where large groups of belugas are found. The month of June is the time when whales are most abundant in Cook Inlet.

Comment 26: One commenter recommended that Cook Inlet beluga whale critical habitat be identified and that no commercial activity/development occur within 5 miles of critical habitat areas.

Response: NMFS has recommended to the State of Alaska that areas within 5 miles of several rivers entering the upper Inlet, which are known areas of beluga concentrations, be deleted from the proposed Cook Inlet Oil and Gas Lease Sale. Further, as a depleted stock, NMFS may develop or implement conservation or management measures to alleviate any impacts on areas of ecological significance to that stock of marine mammal. Under section 112 (e) of the MMPA, such measures shall be developed and implemented after consultation with the Marine Mammal Commission and the appropriate Federal agencies after notice and opportunity for public comment.

If the stock were to be listed under the ESA, section 4 of that act requires the Secretary to designate any habitat considered to be critical habitat. Section 7 of the ESA also requires Federal action agencies to consult with NMFS or the U.S. Fish and Wildlife Service whenever any activity which they conduct, permit, or fund may affect a species listed under that act.

Therefore, under either act, there are consultation provisions to address activities that may affect beluga whale habitat throughout Cook Inlet provided that the stocks are either depleted (MMPA), or endangered or threatened (ESA).

The Depleted Determination

Section 3 of the MMPA (16 U.S.C. 1362(1)) defines the term ''depleted'' as meaning any case in which

(A) the Secretary, after consultation with the Marine Mammal Commission and the Committee of Scientific Advisors on Marine Mammals* * * determines that a species or population stock is below its optimum sustainable population (OSP); or

(B) a state, to which authority for the conservation and management of a species or population stock is transferred* * * determines that such species or stock is below its OSP; or

(C) a species or population stock is listed as an endangered species or a threatened species under the Endangered Species Act of 1973.

Section 3 of the MMPA defines OSP as: with respect to any population stock, the number of animals which will result in the maximum productivity of the population or the species, keeping in mind the optimum carrying capacity of the habitat and the health of the ecosystem of which they form a constituent element.

NMFS regulations at 50 CFR 216.3 define OSP as: a population size which falls within a range from the population level of a given species or stock which is the largest supportable within the ecosystem (K) to the population level that results in maximum net productivity (MNPL). Maximum net productivity is the greatest net annual increment in population numbers or biomass resulting from additions to the population due to reproduction and/or losses due to natural mortality.

Historically, MNPL has been expressed as a range of values (generally 50–70 percent of K) determined theoretically by estimating what size stock in relation to the original stock size will produce the maximum net increase in population (42 FR 12010, March 1, 1977). In 1977, the midpoint of this range was used to determine if a stock was depleted (42 FR 64548, December 27, 1977). The 60–percent value was supported in the final rule governing the taking of marine mammals incidental to commercial fishing operations (45 FR 72178, October 31, 1980).

Determination of ''Population Stock'' or ''Stock'' Under the MMPA

To designate the Cook Inlet population of beluga whales as a depleted stock under the MMPA, it must qualify as a ''population stock'' or ''stock''. Section 3(11) of the MMPA defines ''population stock'' or ''stock'' as a group of marine mammals of the same species or smaller taxa in a common spatial arrangement that interbreed when mature. Although this definition is in part a legal concept, stocks, species, and populations are biological concepts that must be defined on the basis of the best scientific data available.

NMFS has considered several lines of evidence regarding the population structure of Cook Inlet beluga whales.

Distribution of Beluga Whales Within Cook Inlet

The summer or open water distribution of Cook Inlet beluga whales is considered to be largely confined to waters of Cook Inlet (Laidre et al. 1999). Analysis of aerial surveys for beluga whales and other survey data for the northern Gulf of Alaska suggests no large, persistent groups of beluga whales exists other than in Cook Inlet. This distribution pattern is consistent with western and Arctic beluga whale stocks in Alaska, which are highly philopatric to discrete coastal summering areas. Additionally, the Cook Inlet area is physically separated from the remaining four Alaskan beluga whale stocks by the Alaskan Peninsula, which may act as a partial barrier restricting movement between stocks.

Genetic profiles have been obtained from approximately 470 beluga whales in Alaska and Canada, including 64 animals from Cook Inlet. Mitochondrial DNA analysis of these animals found the Cook Inlet, Bristol Bay, eastern Chukchi Sea, eastern Bering Sea, and Beaufort Sea beluga stocks are all significantly different from each other (O'Corry-Crowe and Dizon, 1999). Of these, the Cook Inlet whales were found to be the most distinct.

Based on the best available information, NMFS has determined that beluga whales in Cook Inlet are a population stock or stock as defined by the MMPA.

Summary of Factors Supporting a Depleted Determination

Aerial Surveys: Surveys of beluga whales in Cook Inlet, Alaska, were flown during June/July of 1993–98. The surveys provided a thorough coverage of the 1,388 kilometer (km) coastal area of the inlet and have included up to 1,500 km of offshore transects. Coastal transects were flown 1.4 km (0.7 nm) from the tideline, covering most of the area within 3 km of shore. Therefore, 100 percent of the coastal areas were surveyed most years and, along with offshore transects, systematic surveys encompassed 13–29 percent of the entire Inlet.

Nearly all of the beluga whales seen in Cook Inlet in June/July were concentrated in a few dense groups in shallow areas near river mouths. The largest concentration (generally 120–300 whales by aerial count) has been located in the northern portion of upper Cook Inlet, in the Susitna River delta or Knik Arm. Another group (10–50 whales) has been consistently found between Chickaloon River and Point Possession. Smaller groups (generally <20 whales) occasionally occurred in Turnagain Arm, Kachemak Bay, Redoubt Bay (Big River), and Trading Bay (McArthur River). Over the past three decades, there have been decreases in sightings of beluga whales both in offshore areas and in lower Cook Inlet.

Abundance Estimates: Videotapes of beluga whale groups were collected concurrently with counts made by observers during the aerial surveys from 1994–98. The surveys conducted in 1993 were not used in the following abundance estimation analysis because field techniques were still being developed in that year. From these aerial video tapes, 165 counts of 54 whale groups were made. A correction formula was used to account for whales missed underwater. A correction for whales missed due to video resolution was developed by using a second video camera with a telephoto lens focused on a portion of the field of view obtained by the counting video. Whale images in this magnified view were matched to whales in the counting video and the missed whales were noted. Whales were missed either because their image size fell below the resolution of the video or because two whales surfaced so close to each other that their images ran together. The correction method that resulted depended on knowing the average whale image size in the counting videos.

Image sizes were measured for 1,218 whales from 70 different passes over whale groups. Groups for which the average image size was not measured were given the average correction factor from the other groups. Group sizes were estimated as the product of the count, the correction factor for whales missed underwater, and the correction factor for whales missed due to video resolution. These estimated group sizes were used in the abundance calculations.

Annual abundance estimates of beluga whales in Cook Inlet were calculated based on counts made by aerial observers and group sizes estimated from aerial video recordings. Whale group sizes examined in the videos were corrected for subsurface animals (availability bias) and animals that were at the surface but were missed (detection bias). A formula for estimating group sizes from counts by aerial observers was developed by regression of the counts and an interaction term based on encounter rate (whales per second during counting of a group) against the group sizes estimated from the videos.

Significant effects of encounter rate were either positive or negative, depending on the observer. Logistic regression was used to estimate the probability that entire groups were missed during the systematic surveys. Some whale groups may have been missed by both primary observers, but these would have constituted only 1.5 percent of the total estimate. Abundance estimates were 653 (CV = 0.43) in June 1994, 491 (CV = 0.44) in July 1995, 594 (CV = 0.28) in June 1996, 440 (CV = 0.14) in June 1997, and 347 (CV = 0.29) in June 1998. The latest (1998) N_{min} estimate is 273 and N_{best} =347. Monte Carlo simulations indicate a 71–percent probability that a 40–percent decline occurred between the June 1998 abundance survey of the Cook Inlet stock of beluga whales and the June 1994 survey.

Table 1. Estimated Abundance of Beluga Whales in Cook Inlet, Alaska

(The CV of each estimate is in parentheses.)

Section	1994	1995	1996	1997	1998
Northwest	580 (0.47)	444 (0.48)	542 (0.30)	362 (0.09)	292 (0.32)
Northeast	48 (1.08)	31 (0.43)	52 (0.37)	76 (0.69)	55 (0.60)
South	25 (0.19)	17 (0.43)	0 (0.00)	2 (0.43)	0 (0.00)
Total	653 (0.43)	491 (0.44)	594 (0.28)	440 (0.14)	347 (0.29)

Depleted Determination Summary

NMFS regulations at 50 CFR 216.3 define OSP as a population size that falls within a range from the population level of a given species or stock, which is the largest supportable within the ecosystem (K), to the population level that results in maximum net productivity (MNPL). Maximum net productivity is the greatest net annual increment in population numbers or biomass resulting from additions to the

population due to reproduction and/or losses due to natural mortality. NMFS has adopted by regulation that MNPL is at 60–percent of K (42 FR 64548). Thus, assuming K was at the 1994 abundance level, a 71–percent probability exists that the Cook Inlet stock of beluga whales was below OSP as of June, 1998, and, therefore, qualifies as a depleted stock under the MMPA.

The support for a depleted determination is strengthened by the fact that K was assumed to be the highest of the NMFS's abundance estimates, in this case the 1994 estimate of 653 animals. The actual carrying capacity of Cook Inlet is probably higher than this number based on previous counts and anecdotal estimates of greater than 1,000 animals prior to 1980. Further, because Native subsistence harvest had occurred throughout the 1980s and 1990s, the 1994 abundance estimate likely reflected a population that had already been significantly exploited. Additionally, the 1998 abundance estimate occurred midway in the harvest season. NMFS documented seven belugas being harvested after the June 1998 survey. These removals, along with whales struck but lost during this time, suggest the actual abundance estimate may be lower than 347.

Finally, traditional knowledge and observations of Alaskan Natives also provide an historical perspective on abundance. Alaskan Natives have reported the Cook Inlet stock comprised an estimated 1,000 whales as recently as the 1980s. Were this figure to be used for the carrying capacity (K), the stock would be at 35 percent of K, significantly below OSP.

Therefore, based on the best scientific information available, NMFS believes that the Cook Inlet stock of beluga whales is significantly below OSP and, as a result, proposes to designate this stock as depleted under the MMPA.

Public Comments Solicited

NMFS intends that any final action resulting from this proposal be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule are hereby solicited. Final promulgation of the regulations on the Cook Inlet beluga whale will take into consideration any additional information received by NMFS, and such communication may lead to a final regulation that differs from this proposal.

NMFS will conduct a public hearing on these proposed regulations on Monday, November 22, from 9 a.m. to 3:30 p.m. at the Anchorage Federal Office Building, Room 154, 222 W. 7th Avenue, Anchorage, Alaska.

References

Laidre, K.L., K.E. Shelden, B.A. Mahoney, and D.J. Rugh. 1999. Distribution of beluga whales and survey effort in the Gulf of Alaska.

O'Corry Crowe, G. and A.E. Dizon. 1999. Molecular genetic analysis of beluga whale, *Delphinapterus leucas*, population structure and movement patterns in Alaska and Canada with special reference to Cook Inlet.

Classification

This rule is not subject to review under Executive Order 12866.

Depletion designations under the MMPA are similar to ESA listing decisions, which are exempt from the requirement to prepare an environmental assessment or environmental impact statement under the National Environmental Policy Act. See NOAA Administrative Order 216–6.03(e)(1). Depletion designations under the MMPA are required to be based solely on the best scientific information available. NMFS has determined that the proposed depletion designation of this stock under the MMPA is exempt from the requirements of the National Environmental Policy Act of 1969, and an Environmental Assessment or Environmental Impact Statement is not required.

Based on the requirement that depletion designations be based solely on the best scientific information available, the analytical requirements of the Regulatory Flexibility Act do not apply. Notwithstanding this, the Assistant General Counsel for Regulation for the Department of Commerce certified to the Chief Counsel for Advocacy, Small Business Administration, that if the Cook Inlet, Alaska, stock of beluga whales is designated as depleted as proposed, the designation will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act. The proposed designation is in response to the stock's recent decline. The MMPA prohibits the harvest of marine mammals, including Cook Inlet beluga whales, with a limited exemption for subsistence hunting by Alaska Natives. Accordingly, the designation will have no economic impact on small entities within the meaning of the Regulatory Flexibility Act.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act of 1980.

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 13132.

List of Subjects in 50 CFR Part 216

Exports, Imports, Marine mammals, Transportation.

Dated: October 8, 1999.

Andrew. A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 216 is proposed to be amended as follows:

PART 216–REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS

1. The authority citation for part 216 continues to read as follows:

Authority: 16 U.S.C. 1361 *et seq.* unless otherwise noted.

2. In § 216.15, a new paragraph (g) is added to read as follows:

§ 216.15 Depleted species.

* * * * *

(g) Beluga whale (*Delphinapterus leucas*), Cook Inlet, Alaska stock. The stock includes all beluga whales occurring in waters of Cook Inlet north of 59° N. lat. including, but not limited to, waters of Kachemak Bay, Kamishak Bay, Chinitna Bay, Tuxedni Bay and freshwater tributaries to these waters.

[FR Doc. 99–27169 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 64, No. 201
Tuesday, October 19, 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

Animal and Plant Health Inspection Service

[Docket No. 99–073–1]

Availability of an Environmental Assessment

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: We are advising the public that an environmental assessment has been prepared by the Animal and Plant Health Inspection Service relative to the suppression of papaya mealybugs, *Paracoccus marginatus* Williams (Homoptera, Pseudococcidae). The environmental assessment's preferred alternative is to release into the environment nonindigenous wasps for use as biological control agents to suppress the papaya mealybugs. The environmental assessment has been prepared to provide the public with documentation of APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing these biological control agents into the environment.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by November 18, 1999.

ADDRESSES: Please send your comment and three copies to: Docket No. 99–073–1, 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. 99–073–1.

You may read any comment that we receive on this docket and review copies of the environmental assessment 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. Dale E. Meyerdirk, Supervisory Agriculturist, Pink Hibiscus Mealybug Program, PPQ, APHIS, 4700 River Road, Unit 135, Riverdale, MD 20737–1236; (301) 734–5667. For copies of the environmental assessment, write to Dr. Dale E. Meyerdirk at the same address. Please refer to the title of the environmental assessment when ordering copies.

SUPPLEMENTARY INFORMATION: As a part of a biological control project to suppress papaya mealybugs, *Paracoccus marginatus* Williams (Homoptera, Pseudococcidae), the Animal and Plant Health Inspection Service (APHIS) is proposing to release nonindigenous wasps in the genera *Anagyrus*, *Apoanagyrus*, and *Acerophagus* (Hymenoptera: Encyrtidae). Papaya mealybugs can cause serious damage to numerous agricultural products, including papayas, hibiscus, citrus, cotton, and avocados, which can result in significant economic losses. The purpose of the proposed action is to suppress papaya mealybug infestations throughout the United States.

Papaya mealybugs exist in Puerto Rico and the U.S. Virgin Islands, have recently been found in a few locations in Florida, and have been intercepted in Texas and California. From Florida, papaya mealybugs could spread rapidly through the Gulf States and eventually on to Texas and California. The limits of its spread northward cannot be accurately predicted, but certain greenhouse crops would be at risk, even in cold regions.

The wasps will be imported from Mexico into U.S. Department of Agriculture (USDA)-certified insect quarantine facilities at the Beneficial Insects Introduction Research Laboratory (BIIRL) in Newark, DE. At BIIRL, species identifications would be confirmed by USDA and State taxonomists, and undesirable organisms, such as hyperparasites, would be screened out and properly eliminated. Laboratory colonies would be established by APHIS and State cooperators. The wasps would then be released by APHIS and State cooperators in areas invaded by the papaya mealybug. Such areas include the U.S. Virginia Islands, Puerto Rico, and Florida, where the papaya mealybug is now present. The papaya mealybug may also spread to other States due to the presence of hosts and favorable habitats. These areas include Alabama, Arizona, Arkansas, California, Delaware, Georgia, Hawaii, Louisiana, Maryland, Mississippi, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia. If the papaya mealybug does spread to these areas, APHIS and State cooperators will release the wasps in the affected areas also.

We expect that these stingless wasps would become established and reproduce naturally without further human intervention.

If APHIS does release the *Anagyrus*, *Apoanagyrus*, and *Acerophagus* wasps, these wasps will be the first exotic biological control agents approved for release against papaya mealybugs in the United States.

To document APHIS' review and analysis of the environmental impact and plant pest risk associated with releasing these biological control agents into the environment, we have prepared an environmental assessment relative to the release into the environment of *Anagyrus*, *Apoanagyrus*, and *Acerophagus* entitled ''Control of Papaya Mealybug, *Paracoccus marginatus* (Homoptera: Pseudococcidae)'' (October 1999). We are making this environmental assessment available to the public for review and comment.

The environmental assessment has been 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).

Done in Washington, DC, this 14th day of October 1999.

Richard L. Dunkle,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 99–27321 Filed 10–18–99; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

National Forest System Roadless Areas

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an environmental impact statement.

SUMMARY: The Forest Service is initiating a public rulemaking process to propose the protection of remaining roadless areas within the National Forest System. This proposed rulemaking responds to strong public sentiment for protecting roadless areas and the clean water, biological diversity, wildlife habitat, forest health, dispersed recreational opportunities and other public benefits they provide.

The proposed rulemaking also responds to budgetary concerns expressed about the national forest road system. Building roads into roadless areas is expensive, and the public has questioned the logic of building new roads into roadless areas when the Forest Service receives insufficient funding to maintain its existing road system. Indeed, the Forest Service has a growing $8.4 billion maintenance and reconstruction backlog and receives only 20 percent of the annual funding it needs to maintain its existing 380,000 mile road system to environmental and safety standards.

To assist in determining the scope and content of a proposed rule, the agency will prepare an environmental impact statement to analyze: (1) The effects of eliminating road construction activities in the remaining unroaded portions of inventoried roadless areas on the National Forest System; and (2) the effects of establishing criteria and procedures to ensure that the social and ecological values, that make both inventoried roadless areas and other uninventoried roadless lands important, are considered and protected through the forest planning process. Public comment is invited on the scope of the analysis that should be conducted, on the identification of alternatives to the proposal, and on whether the rulemaking should apply to the Tongass National Forest.

DATES: Comments should be received in writing by December 20, 1999.

ADDRESSES: Send written comments to the USDA Forest Service-CAET, Attention: Roadless Areas NOI, P.O. Box 221090, Salt Lake City, Utah 84122 or by e-mail to roadlessareasnoi/wo__caet@www.fs.fed.us.

Comments received in response to this solicitation, including names and addresses when provided, will be considered part of the public record on this proposed action and will be available for public inspection and copying.

FOR FURTHER INFORMATION CONTACT: Project Team Leader, Scott Conroy, Attention: Roadless Areas NOI, USDA Forest Service, P.O. Box 96090, Washington, DC 20090–6090, (703) 605–5299.

SUPPLEMENTARY INFORMATION:

Background

Although they make up only a small percentage of the nation's total land-base, roadless areas are critically important for the long-term ecological sustainability of the nation's forests. Roadless areas serve as reference areas for research, as a barrier against invasive plant and animal species that harm native species, and as aquatic strongholds for fish of great recreational, subsistence, and commercial value. Roadless areas often provide vital habitat and migration routes for numerous wildlife species and are particularly important for those requiring large home ranges, such as the grizzly bear and wolf. Many roadless areas also act as ecological anchors, allowing nearby federal, state, and private lands to be developed for economic purposes.

The public has rightfully questioned whether the Forest Service should build new roads into roadless areas when it lacks the resources needed to maintain its existing road system. The current national forest road system includes 380,000 miles of road, enough road to circle the globe more than 15 times. But the agency currently has a road reconstruction and maintenance backlog of approximately $8.4 billion.

In addition to the monetary costs, the environmental costs of road construction in roadless areas remain visible and potentially damaging for decades. Road construction increases the risk of erosion, landslides, and slope failure, endangering the health of entire watersheds that provide drinking water to millions of Americans and critical habitat for fish and wildlife. Growing scientific information demonstrates that road construction and other development in these sensitive areas can allow entry of invasive plants and animals that threaten the health of native species, increase human-caused fire, disrupt habitat connectivity, and otherwise compromise the attributes that make roadless areas socially valuable and ecologically important.

On January 28, 1998, the agency proposed revising the National Forest Transportation System regulations. Specifically, the purpose was to consider changes in how the road system is developed, used, maintained, and funded (63 FR 4350–4351). On the same day, the agency proposed a rule to suspend temporarily road construction and reconstruction in certain unroaded areas (63 FR 4352–4354). In response to the January 28, 1998, **Federal Register** notices, the agency received over 80,000 public comments. The agency published a final rule, referred to as the ''interim rule'', that temporarily suspended road construction and reconstruction in unroaded areas on February 12, 1999 (64 FR 7290–7305).

In commenting on the National Forest System Transportation System rule and the proposed temporary suspension rule, members of the public expressed serious concerns that are relevant to this proposal (64 FR 7290). Among those key concerns are beliefs that:

- The temporary suspension of road construction/reconstruction should be made permanent.
- Continued entry into roadless areas will decrease the amount of wildlife habitat available by increasing fragmentation.
- The temporary suspension does not go far enough to protect all roadless lands across the National Forest System.
- The temporary suspension should not have included exemptions such as the Tongass National Forest and those areas covered by the President's Forest Plan.
- Economic and social effects will result from reductions in commercial timber harvest and other commodity production.
- Temporary suspension of road construction and reconstruction essentially expands the wilderness system.
- Denying access to roadless areas violates the Alaska National Interest Land Conservation Act.

The interim rule provided a ''time out'' for the agency to develop a long-term road management strategy and to consider more fully public concerns about roadless areas and road management. As a consequence, the

Forest Service is taking the following actions.

First, in the next several weeks, the agency will publish proposed changes to the National Forest System Transportation System rules at 36 CFR Part 212 and to Forest Service Manual direction. This proposed rule is designed primarily to better manage the existing national forest road system. It would also establish new procedural requirements to help managers make more informed decisions concerning entry into roadless areas. A draft environmental assessment will accompany the proposed rule.

Second, the agency is beginning a two part process, outlined in this Notice of Intent, to initiate a public rulemaking process that proposes protection of remaining National Forest System roadless areas.

Proposal

The Forest Service proposes to promulgate a rule that would initiate a two part process to protect roadless areas. If adopted, part one would immediately restrict certain activities, such as road construction, in unroaded portions of inventoried roadless areas, as previously identified in RARE II and existing forest plan inventories.

Possible alternatives to be considered in the draft environmental impact statement for part one may include:

- Prohibiting new road construction and reconstruction projects in the remaining unroaded portions of inventoried roadless areas;
- Prohibiting new road construction and reconstruction projects and commercial timber harvest in the remaining unroaded portions of inventoried roadless areas;
- Prohibiting the implementation of all activities, subject to valid existing rights, that do not contribute to maintaining or enhancing the ecological values of roadless areas in remaining unroaded portions of inventoried roadless areas; and
- Making no change in current policy (No action alternative).

Part two would establish national direction for managing inventoried roadless areas, and for determining whether and to what extent similar protections should be extended to uninventoried roadless areas. After approval of a final rule, the direction for part two would be implemented at the forest plan level through the plan amendment and NEPA process. This national direction would guide land managers in determining what activities are consistent with protecting the important ecological and social values associated with inventoried roadless areas. It would also guide land managers in determining what activities are appropriate in uninventoried roadless areas that have important ecological and social values.

Possible alternatives to be considered in the draft EIS for part two include:

- National procedures and criteria that address how land managers at the forest plan level should manage activities, other than those addressed in part one, in inventoried roadless areas;
- National procedures and criteria that address how land managers at the forest plan level should manage uninventoried roadless areas so as to protect their unroaded characteristics and benefits. Possible alternatives include:

a. Protecting unroaded areas based on their ecological characteristics;

b. Protecting existing unroaded National Forest System lands that are at least 1,000 acres in size and contiguous to unroaded areas of 5,000 acres or more on all other Federal lands;

c. Protecting existing unroaded areas of at least 1,000 acres;

- No change in current policy (No action alternative).

Alternatives may consider certain exemptions under specific situations. In light of the recent revision of the Tongass National Forest Land management plan and the transition in the timber program in Southeast Alaska, we specifically solicit comments on whether or not the proposed rule should apply to the Tongass National Forest and, if so, whether inventoried Tongass roadless areas should be covered under part one of the rule or only under part two.

Proposed NEPA Scoping Process

This Notice of Intent initiates the scoping process. As part of the scoping period, the Forest Service solicits public comment on the nature and scope of the environmental, social, and economic issues related to the proposed rulemaking that should be analyzed in depth in the Draft Environmental Impact Statement. Comments on this proposal and possible alternatives should be sent to the Content Analysis Enterprise Team (CAET) at the address shown earlier in this notice. Dates and locations of scoping meetings will be announced shortly.

The Importance of Participating in Scoping

The Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements 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 draft environmental impact statement stage, but are not raised until after completion of the final environmental impact statement, 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 policy participate by the close of the 60-day 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 draft environmental impact statement.

Time Frame

Upon completion of the scoping process, a draft environmental impact statement will be prepared. The draft environmental impact statement and proposed rule are expected to be available for public review and comment in Spring 2000, and a final environmental impact statement and final rule will follow.

The Responsible Official

The Responsible Official is Mike Dombeck, Chief, Forest Service, USDA, P.O. Box 96090, Washington, DC 20090–6090.

Dated: October 14, 1999.

Mike Dombeck,

Chief.

[FR Doc. 99–27300 Filed 10–18–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Oregon Province Interagency Executive Committee (PIEC) Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southwest Oregon PIEC Advisory Committee will meet on November 3, 1999 at Umpqua National Forest, Supervisor's Office, 2900 NW Stewart Parkway, Roseburg, Oregon.

The meeting will begin at 9 a.m. and continue until 4:30 p.m. Agenda items to be covered include: (1) 1999 Province

Monitoring; (2) February Regional PAC Meeting; (3) Umpqua National Forest Restoration Strategy Briefing; (4) Forest Service Draft Planning Rule Briefing; (5) Potential Implications of Recent Court Rulings; and (6) Public Comment.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Roger Evenson, Province Advisory Committee Coordinator, USDA, Forest Service, Umpqua National Forest, 2900 NW Stewart Parkway, Roseburg, Oregon 97470, phone (541) 957–3344.

Dated: October 12, 1999.

Don Ostby,

Designated Federal Official.

[FR Doc. 99–27191 Filed 10–18–99; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 45–99]

Foreign-Trade Zone 27—Boston, MA, Application for Subzone, J. Baker, Inc. (Distribution of Apparel, Footwear and Accessories) Canton, MA; Correction

The **Federal Register** notice (64 FR 49440, September 13, 1999) describing the application submitted to the Foreign-Trade Zones Board (the Board) by the Massachusetts Port Authority, grantee of FTZ 27, requesting special-purpose subzone status for the apparel, footwear and accessories warehousing/distribution facilities of J. Baker, Inc., located in Canton, MA, is corrected as follows. Paragraph 2, sentence 1, describing the square footage and acreage for each facility should be changed to ''The Baker facilities are located at 330 Turnpike Street (45,850 sq. ft. on 4.16 acres) and at 555 Turnpike Street (750,000 sq. ft. on 30.7 acres).'' In paragraph 2, sentence 4, the percentage of exports should be changed from ''over 5 percent'' to ''less than 5 percent.''

Dated: October 8, 1999.

Dennis Puccinelli,

Acting Executive Secretary.

[FR Doc. 99–27292 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–122–601]

Antidumping Administrative Review of Brass Sheet and Strip from Canada: Time Limit

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

ACTION: Notice of extension of time limit for preliminary results of review.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the administrative review of the antidumping duty order on Brass Sheet and Strip from Canada. The review covers one manufacturer/exporter of the subject merchandise to the United States for the period January 1, 1998 through December 31, 1998.

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Paige Rivas or Jim Terpstra, Group II, Office IV, AD/CVD Enforcement, Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230, telephone: (202) 482–0651, or (202) 482–3965, respectively.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete the preliminary results of this review within the initial time limit established by the Uruguay Round Agreements Act (245 days after the last day of the anniversary month), pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), the Department is extending the time limit for completion of the preliminary results until January 31, 2000. *See* 19 CFR 351.213(h)(2) and the Memorandum from Bernard T. Carreau to Robert S. LaRussa, on file in the Central Records Unit located in room B–099 of the main Department of Commerce building.

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)).

Dated: October 4, 1999.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–832]

Notice of Final Determination of Sales at Less Than Fair Value: Dynamic Random Access Memory Semiconductors of One Megabit and Above (''DRAMs'') From Taiwan

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

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Thomas Futtner at (202) 482–3814, Alexander Amdur at (202) 482–5346 (Etron), Ronald Trentham at (202) 482–6320 (MVI), Nova Daly at (202) 482–0989 (Nanya), or John Conniff at (202) 482–1009 (Vanguard), Group II, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (1998).

Final Determination

We determine that DRAMs from Taiwan are being, or are likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

The preliminary determination in this investigation was issued on May 21, 1999. *See Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Dynamic Random Access Memory Semiconductors of One Megabit and Above (''DRAMs'') from Taiwan*, 64 FR 28983 (May 28, 1999) (*''Preliminary Determination''*). Since the preliminary determination, the following events have occurred:

On May 24 and 27, 1999, we received information from the petitioner, Micron Technology, on possible circumvention of a future antidumping duty order. On June 1, 1999, we received a submission from Vanguard International

Semiconductor Corporation (''Vanguard'') alleging that the Department made ministerial errors in the preliminary determination. In response to Vanguard's ministerial error allegations, we issued an amended preliminary determination on June 11, 1998. *See Notice of Amended Preliminary Determination of Sales at Less Than Fair Value: Dynamic Random Access Memory Semiconductors of One Megabit and Above (''DRAMs'') from Taiwan,* 64 FR 32480 (June 17, 1999).

In May and June 1999, we received responses to supplemental questionnaires from Mosel-Vitelic, Inc. (''MVI'') and Vanguard.

In June, July and August, 1999, we verified the sales and cost questionnaire responses of Etron Technology, Inc. (''Etron''), MVI, Nan Ya Technology Corporation, (''Nanya''), and Vanguard (hereinafter ''respondents'').

In July, August, and September 1999, the respondents submitted revised sales and cost databases.

On July 26, 1999, Etron submitted information requested by the Department at the sales verification. On August 6 and 9, 1999, the Department issued supplemental questionnaires to Etron. On August 18, 1999, Etron submitted a letter to the Department stating that it would not be filing a response to the Department's August 6 and 9, 1999 supplemental questionnaires, and that it would not allow the verification that the Department scheduled at Caltron Technology (''Caltron''), Etron's affiliate in the United States.

The petitioner and the respondents submitted case briefs on September 1, 1999 and rebuttal briefs on September 8, 1999. At the Department's direction, Etron submitted amended case and rebuttal briefs on September 7 and 10, 1999, eliminating new factual information that the Department considered untimely. We held a public hearing on September 13, 1999.

Amendment to Scope

The Department is amending the scope of this investigation in order to require importers of motherboards that contain removable DRAM memory modules to certify to U.S. Customs that such modules will not be removed. This amendment follows the precedent set forth in *DRAMs from the Republic of Korea, Antidumping Duty Order and Amended Final Determination,* 58 FR 27520 (May 10, 1993) (*''DRAMs from Korea Order''*), and is in response to the petitioner's concerns about the circumvention of any antidumping duty order issued in this proceeding. *See* Comment 1 in the ''Interested Party Comments'' section of this notice.

Scope of Investigation

The products covered by this investigation are DRAMs from Taiwan, whether assembled or unassembled. Assembled DRAMs include all package types. Unassembled DRAMs include processed wafers, uncut die and cut die. Processed wafers fabricated in Taiwan, but packaged or assembled into finished semiconductors in a third country, are included in the scope. Wafers fabricated in a third country and assembled or packaged in Taiwan are not included in the scope.

The scope of this investigation includes memory modules. A memory module is a collection of DRAMs, the sole function of which is memory. Modules include single in-line processing modules (''SIPs''), single in-line memory modules (''SIMMs''), dual in-line memory modules (''DIMMs''), memory cards or other collections of DRAMs whether mounted or unmounted on a circuit board. Modules that contain other parts that are needed to support the function of memory are covered. Only those modules that contain additional items that alter the function of the module to something other than memory, such as video graphics adapter (''VGA'') boards and cards, are not included in the scope. Modules containing DRAMs made from wafers fabricated in Taiwan, but either assembled or packaged into finished semiconductors in a third country, are also included in the scope.

The scope includes, but is not limited to, video RAM (''VRAM''), Windows RAM (''WRAM''), synchronous graphics RAM (''SGRAM''), as well as various types of DRAMs, including fast page-mode (''FPM''), extended data-out (''EDO''), burst extended data-out (''BEDO''), synchronous dynamic RAM (''SDRAMs''), and ''Rambus'' DRAMs (''RDRAMs''). The scope of this investigation also includes any future density, packaging or assembling of DRAMs. Also included in the scope of this investigation are removable memory modules placed on motherboards, with or without a central processing unit (CPU), unless the importer of the motherboards certifies with Customs that neither it, nor a party related to it or under contract to it, will remove the modules from the motherboards after importation. The scope of this investigation does not include DRAMs or memory modules that are re-imported for repair or replacement.

The DRAMs subject to this investigation are currently classifiable under subheadings 8542.13.80.05 and 8542.13.80.24 through 8542.13.80.34 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Also included in the scope are Taiwanese DRAM modules, described above, entered into the United States under subheading 8473.30.10 through 8473.30.90 of the HTSUS or possibly other HTSUS numbers. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Period of Investigation

The period of investigation (''POI'') is October 1, 1997 to September 30, 1998.

Facts Available

Section 776(a)(2) of the Act provides that ''if an interested party or any other person—(A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i), the administering authority shall, subject to section 782(d), use the facts otherwise available in reaching the applicable determination under this title.''

The statute requires that certain conditions be met before the Department may resort to the facts available. Where the Department determines that a response to a request for information does not comply with the request, section 782(d) of the Act provides that the Department will so inform the party submitting the response and will, to the extent practicable, provide that party the opportunity to remedy or explain the deficiency. If the party fails to remedy the deficiency within the applicable time limits, the Department may, subject to section 782(e), disregard all or part of the original and subsequent responses, as appropriate. Briefly, section 782(e) provides that the Department ''shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by (the Department)'' if the information is timely, can be verified, is not so incomplete that it cannot be used, and if the interested party acted to the best of its ability in providing the information. Where all of these conditions are met, and the Department can use the information without undue

difficulties, the statute requires it to do so.

In addition, section 776(b) of the Act provides that, if the Department finds that an interested party ''has failed to cooperate by not acting to the best of its ability to comply with a request for information,'' the Department may use information that is adverse to the interests of the party as the facts otherwise available. Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action (SAA) accompanying the URAA, H.R. Doc. No. 103–316 at 870 (1994).

Furthermore, ''an affirmative finding of bad faith on the part of the respondent is not required before the Department may make an adverse inference.'' *Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27340 (May 19, 1997) (''*Final Rule*''). Section 776(b) of the Act notes, in addition, that in selecting from among the facts available the Department may, subject to the corroboration requirements of section 776(c), rely upon information drawn from the petition, a final determination in the investigation, or any previous administrative review conducted under section 751 (or section 753 for countervailing duty cases). Under Section 776(b), in selecting from among the facts available, the Department may also rely on any other information on the record.

Etron

Based on our verification and independent research, we have determined that Etron withheld a significant amount of information from the Department, including information concerning its relationship with its U.S. customers. We were also unable to verify certain information and found numerous accounting irregularities in Etron's records. We have further determined, based on documents obtained from the U.S. Customs Service, that Etron provided the Department with altered sales documents. Due to the proprietary nature of these issues, for further discussion, *see* Memorandum from Holly Kuga to Bernard Carreau on Whether to Determine the Margin of Etron Technology, Inc. for the Final Determination Based on the Facts Otherwise Available dated October 12, 1999 (''*Etron FA Memorandum*''). Also *see* Comment 3 in the ''Interested Party Comments'' section of this notice.

After the sales verification in Taiwan, the Department scheduled a verification of Etron's U.S. sales affiliate, Caltron. The Department also issued additional supplemental questionnaires to Etron to provide it with yet another opportunity to explain and clarify the deficiencies revealed at verification. After receiving an extension of time to answer these questionnaires, and after two extensive conversations with the Department regarding these questionnaires,[1] Etron eventually refused to answer them, and did not allow the verification of Caltron.

Because Etron withheld information that had been requested by the Department, failed to provide such information in a timely manner, significantly impeded this investigation, and provided information which cannot be verified, section 776(a)(2) of the Act directs the Department, subject to sections 782(d) and (e), to use facts otherwise available for Etron in reaching the final determination of this investigation.

In accordance with section 782(d) of the Act, the Department issued numerous supplemental questionnaires to Etron regarding its initial sales and cost responses. Furthermore, as discussed above, after the sales verification in Taiwan, on August 6 and 9, 1999, the Department sent to Etron two additional supplemental questionnaires addressing certain deficiencies in the company's questionnaire response that the Department found at the sales verification. Etron refused to submit a response to these questionnaires. Thus, despite numerous opportunities granted to Etron to remedy the serious deficiencies in its responses, Etron failed to do so within the meaning of section 782(d) of the Act.

The application of facts available under section 776(a) is also subject to the provisions of section 782(e) of the Act regarding whether to decline to consider information submitted by the respondent despite identified deficiencies. In this case, Etron failed to meet all of the requirements enunciated under section 782(e) of the Act. Although Etron generally submitted its questionnaire responses by the established deadlines, with the exception of the responses to the August 6 and 9, 1999 questionnaires, these responses could not be properly verified, as required by section 782(e)(2). Furthermore, the information that we independently obtained and the results of verification demonstrate that Etron's responses are so incomplete that they cannot serve as reliable bases for reaching the final determination. The gaps in Etron's responses, which the Department unsuccessfully attempted to address in the August supplemental questionnaires, and Etron's refusal to allow the verification of Caltron, all raise serious questions about the reliability and accuracy of Etron's entire U.S. sales database. Additionally, Etron failed to demonstrate that it has acted to the best of its ability under section 782(e)(4) of the Act. Etron withheld a significant amount of information from the Department, and subsequently completely ceased cooperating in this investigation. Furthermore, it also appears that Etron attempted to deceive the Department by providing altered documents at verification, and by making misleading statements to Department officials. Finally, the Department cannot use Etron's submitted information without undue difficulties under section 782(e)(5) of the Act in light of the numerous questions surrounding Etron's entire U.S. sales database. For a detailed proprietary discussion of these issues, *see Etron FA Memorandum*. As a result, the Department determines that, pursuant to section 776(a) of the Act, the use of facts available is appropriate.

Section 776(b) of the Act provides that adverse inferences may be used in selecting from the facts available if a party has failed to cooperate by not acting to the best of its ability to comply with a request for information. As explained above, and in the *Etron FA Memorandum*; Etron withheld a significant amount of information from the Department. Moreover, Etron impeded the Department's efforts to clarify information concerning its relationships with its U.S. customers, refused verification of its U.S. subsidiary, and provided the Department with false information. For these reasons, the Department finds that Etron did not act to the best of its ability to provide the information requested. Therefore, we have determined to use an adverse inference in selecting the facts available to determine Etron's margin.

As adverse facts available, we have assigned Etron a margin of 69 percent, the highest margin alleged in the petition,[2] as stated in the notice of initiation (*see Initiation of Antidumping Duty Investigation: Dynamic Random Access Memory Semiconductors From Taiwan*, 63 FR 60404 (November 18, 1998) (''*Notice of Initiation*'')). Furthermore, as adverse facts available,

[1] *See* Memoranda dated August 11 and August 17, 1999 from Alexander Amdur to the File.

[2] *See* Antidumping Petition: Dynamic Random Access Memory Semiconductors of One Megabit and Above from Taiwan, submitted by Micron Technology, Inc., October 22, 1998; and DRAMs from Taiwan: Supplement to Petition, November 5, 1998 (which includes recalculated margins).

we applied the 69 percent margin to Etron's reported U.S. prices, and using the company's total reported product densities, calculated a specific rate for Etron of $0.40 per megabit. We calculated the per megabit rate in this manner because we believe that it would be inappropriate to base Etron's specific rate on any other margin, including a calculated margin, that is lower than 69 percent. Furthermore, while we consider Etron's data unreliable, we believe that applying the 69 percent margin to Etron's U.S. database is the most appropriate means to calculate a facts available per megabit rate for this company.

Section 776(c) of the Act provides that, when the Department relies on secondary information in using the facts otherwise available, it must, to the extent practicable, corroborate that information from independent sources that are reasonably at its disposal. The SAA clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value (*see* SAA at 870). The SAA also states that independent sources used to corroborate may include, for example, published price lists, official import statistics and customs data, as well as information obtained from interested parties during the particular investigation (*see Id.*).

In accordance with section 776(c) of the Act, we sought to corroborate the data contained in the petition. We reviewed the adequacy and accuracy of the information in the petition during our pre-initiation analysis of the petition, to the extent appropriate information was available for this purpose (*e.g.*, import statistics and foreign market research reports). *See Notice of Initiation*, 63 FR at 64041. To further corroborate the information in the petition, for the final determination, we reexamined the highest margin in the petition in light of information obtained during the investigation to the extent it is practicable, and determined it has probative value. For further discussion, *see Etron FA Memorandum*.

Fair Value Comparisons

To determine whether sales of DRAMs from Taiwan to the United States were made at LTFV, we compared the constructed export price (''CEP'') to the normal value (''NV''). Our calculations followed the methodologies described in the preliminary determination, except as noted below and in company-specific analysis memoranda dated October 12, 1999.

In making our comparisons, in accordance with section 771(16) of the Act, we considered all products sold in the home market, fitting the description specified above in the ''Scope of Investigation'' section of this notice to be foreign like products for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product, based on the characteristics listed in Sections B and C of the Department's antidumping questionnaire. We made product comparisons based on the same characteristics and in the same general manner as that outlined in the preliminary determination.

Constructed Export Price

We used CEP, in accordance with section 772(b) of the Act, for MVI, Nanya and Vanguard, when the subject merchandise was first sold in the United States by or for the account of the producer or exporter of such merchandise, or by a seller affiliated with the producer or exporter, to an unaffiliated purchaser. We calculated CEP for MVI, Nanya and Vanguard based on the same methodology used in the preliminary determination, with the following exceptions:

We corrected for certain clerical errors found during verification, including corrections that MVI, Nanya, and Vanguard identified in their responses in the course of preparing for verification.

MVI

1. We recalculated MVI's reported marine insurance expense by allocating the reported expense over the amount of the total DRAM sales of MVI's U.S. affiliate, Mosel Vitelic Corporation (''MVC'').

Vanguard

1. We recalculated Vanguard's reported royalty expense by including those royalties which were inappropriately included in sales expenses in Vanguard's cost of production (''COP'').

2. We recalculated Vanguard's reported international freight expense by allocating this expense by quantity, as the expense was incurred.

Normal Value

We used the same methodology to calculate NV as that described in the preliminary determination, with the following exceptions:

We corrected for certain clerical errors found during verification, including corrections that MVI, Nanya, and Vanguard identified in their responses in the course of preparing for verification. For Vanguard, we also recalculated its reported sales duty tax using the rates charged for this tax by the authorities in Taiwan, and adjusted certain freight expenses by attributing these charges only to the sales that incurred these expenses.

Cost of Production

In accordance with section 773(b)(3) of the Act, we calculated a quarterly weighted-average COP based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for selling, general, and administrative (''SG&A'') expenses and packing costs. We determined that research and development (''R&D'') related to semiconductors benefits all semiconductor products, and that allocation of R&D on a product-specific basis was not appropriate.

We relied on the submitted COP except in the following specific instances where the submitted costs were not appropriately quantified or valued:

MVI

1. We disallowed MVI's startup adjustment (*see* comment 14 in the ''Interested Party Comments'' section of this notice).

2. We included ProMOS Technologies Inc.'s (''ProMOS's'') R&D expenses and G&A expenses in ProMOS's COP (*see* comment 11 in the ''Interested Party Comments'' section).

3. We recalculated ChipMOS Technologies, Inc.'s (''ChipMOS's'') COP to include R&D and selling expenses from its 1998 audited financial statements.

4. Pursuant to section 773(f)(3) of the Act, and section 351.407(b) of the Department's regulations, we adjusted both ChipMOS's and ProMOS's reported costs to the higher of transfer price or COP.

5. We valued MVI's stock bonus to its employees as of the date the shareholders' approval of the stock bonus (*see* comment 13 in the ''Interested Party Comments'' section).

6. We added MVI's non-operating expenses to, and subtracted marine insurance from, its total G&A expenses used in the calculation of the G&A expense ratio (*see* comments 17 and 18 in the ''Interested Party Comments'' section). We also subtracted MVI's packing expense from the unconsolidated cost of goods sold (''COGS'') used in the denominator of this calculation.

7. We combined MVI's reported allocation rates for general and product-

specific R&D to determine one R&D allocation rate to apply to MVI's COM.

8. To make the denominator consistent with the COM to which it is applied, we adjusted MVI's financial expense ratio by subtracting packing and the stock bonus from the denominator of the allocation ratio. We also excluded foreign exchange gains from investments as an offset to net consolidated financial expenses from the numerator. *See Cost Calculation Memorandum for MVI* dated October 12, 1999.

Nanya

1. Pursuant to section 773(f)(2) of the Act, and section 351.407(b) of the Department's regulations, for assembly and test services performed by affiliates, we used the higher of cost, transfer price, or market price.

2. We adjusted Nanya's reported R&D rate to include all of Nanya's semiconductor R&D expenses divided by the company-wide COGS.

3. We reclassified expenses incurred by Genesis Semiconductor, Inc., a U.S. affiliate of Nanya that performs DRAM R&D, as R&D expense.

4. We adjusted Nanya's reported G&A expense to include certain ''other revenue'' items and exchange losses. *See* comments 21 and 22 in the ''Interested Party Comments'' section.

5. We recalculated Nanya's reported production-related royalty expense ratio by dividing the total expense incurred by the COGS for DRAMs.

6. Since wafers processed in a country other than Taiwan are not subject to this investigation, we have excluded the costs and sales of fully-processed wafers purchased from a third country.

7. We have included interest expenses in the calculation of financial expense. *See* comment 20 in the ''Interested Party Comments'' section. *See Cost Calculation Memorandum for Nanya* dated October 12, 1999.

Vanguard

1. We revised the submitted COP to include the cost of obsolete materials written off, and the standard cost and ''lower of cost or market'' revaluations associated with raw materials and work-in-process (''WIP'') inventories (*see* comments 24 and 25 in the ''Interested Party Comments''section).

2. We revised COP for back-end (assembly) services performed by an affiliate to include selling expenses.

3. Pursuant to section 773(f)(2) and (3) of the Act, and section 351.407(b) of the Department's regulations, for DRAM assembly performed by an affiliate, we adjusted the reported cost to the highest of cost, transfer price, or market price (*see* comment 26 in the ''Interested Party Comments'' section).

4. We revised the submitted COP to include certain royalty expenses which were inappropriately included in selling expenses. *See Cost Calculation Memorandum for Vanguard* dated October 12, 1999.

We conducted our sales below-cost test in the same manner as that described in our preliminary determination. We found that, for MVI, Nanya, and Vanguard, for certain models of DRAMs, more than 20 percent of the home market sales within an extended period of time were at prices less than COP. Further, the prices did not permit the recovery of costs within a reasonable period of time. We therefore disregarded the below-cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1). For those U.S. sales of DRAMs for which there were no comparable home market sales in the ordinary course of trade, we compared CEPs to CV in accordance with section 773(a)(4) of the Act.

Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of the respondent's cost of materials, fabrication, G&A, U.S. packing costs, direct and indirect selling expenses, interest expenses, and profit. We relied on the submitted CVs except for the specific changes described above in the ''Cost of Production'' section of the notice. In accordance with section 773(e)(2)(A) of the Act, we based SG&A expenses and profit on the amounts incurred and realized by each respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in Taiwan. Where respondents made no home market sales in the ordinary course of trade (*i.e.*, all sales failed the cost test), we based profit and SG&A expenses on the weighted-average of the profit and SG&A data computed for those respondents with home market sales of the foreign like product made in the ordinary course of trade in accordance with section 773(e)(2)(B)(ii) of the Act.

Price-to-Price and Price-to-CV Comparisons

We made price-to-price and price-to-CV comparisons using the same methodology as that described in the preliminary determination.

Currency Conversion

As in the preliminary determination, we made currency conversions into U.S. dollars based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank in accordance with section 773(A) of the Act.

Interested Party Comments

General Issues

Comment 1: Certification for Modules on Motherboards. The petitioner argues that the respondents have made plans to avoid the antidumping duty order to be issued in this case. The petitioner states that it previously submitted to the Department news articles from the Taiwan press in which the respondents discussed plans to avoid any antidumping duty order by shipping subject merchandise to intermediate countries for assembly or further processing, including placing memory modules on motherboards. The petitioner also notes that the preliminary determination in this investigation, as well as the Customs instructions issued by the Department after the preliminary determination, do not contain the scope language that is standard in the DRAMs from Korea antidumping proceeding. Specifically, this scope language, as stated in *DRAMs from Korea: Amended Final Results of Administrative Review*, 63 FR 56905, 56907 (October 23, 1998), requires importers of motherboards that contain removable memory modules to certify to Customs that ''neither it, nor a party related to it or under contract to it, will remove the modules from the motherboards after importation.'' The petitioner contends that, because Taiwan is the world's leading producer of motherboards, it is therefore ''essential'' that this certification requirement be applied to importers of motherboards containing DRAMs from Taiwan.

No other parties commented in their case or rebuttal briefs with respect to this issue.

DOC Position: We agree with the petitioner's comments regarding the potential for circumvention resulting from the importation of DRAMs on motherboards. In order to avoid the possibility that an order on DRAMs would be evaded in such a manner, the Department will follow the precedent, set forth in *DRAMs from Korea Order*, 58 FR at 27520. As a consequence, if a party imports motherboards that contain removable DRAMs memory modules, we will require the importer to certify with Customs that such modules will not be removed by them, a party under contract to them, or a party related to them, after importation. Such certification will apply regardless of

whether the host product contains a CPU.

Comment 2: CEP Offset. The petitioner argues that, in the preliminary determination, the Department failed to perform a level of trade analysis based on unadjusted starting prices for CEP sales for MVI, Nanya, and Vanguard. The petitioner states that the Department analyzed the level of trade of CEP sales based on the level of the constructed sale from the exporter to the affiliated importer, *i.e.*, the prices after adjustment for U.S. related selling expenses. Concurrently, the Department analyzed the level of trade of the home market sales based on the unadjusted starting prices of those sales. The petitioner states that this methodology conflicts with the requirements of the statute and the decisions established in *Borden Inc.* v *United States*, 4 F. Supp. 2d 1221 CIT 1998) (''*Borden*'') and *Micron Technology, Inc.* v. *United States*, 40 F. Supp. 2d 481, 485–86 (CIT 1999) (''*Micron*''). The petitioner argues that the Department should conduct a level of trade analysis based on unadjusted starting prices in both the U.S. and the comparison markets. The petitioner states that the results of this analysis will demonstrate that the comparison market sales made by MVI, Vanguard, and Nanya were not made at a more advanced level of trade than their sales in the U.S., and that, therefore, there is no basis for granting either a level of trade adjustment or a CEP offset to MVI, Nanya or Vanguard.

MVI, Nanya, and Vanguard disagree with the petitioner. They state that the Department's established practice of analyzing the CEP level of trade for purposes of determining whether a CEP offset is warranted is consistent with the statute and legislative history. They argue that section 773(a)(7)(A) of the Act specifies that a level of trade analysis must examine the price difference between the ''constructed'' export price (''EP'') and NV, and that any price difference must be due to differences in the selling functions and expenses, other than a difference for which allowance is otherwise made, *i.e.*, other than the selling expenses in the U.S. market that already are deducted. They further state, citing *Antifriction Bearings (other than Tapered Roller Bearings) and Parts Thereof from France, et al.*, 62 FR 54043, 54055 (October 17, 1997), that the Department correctly based the CEP level of trade on the ''constructed'' price, *i.e.*, on the price in the United States after making the CEP deductions.

DOC Position: The Department agrees with the respondents. We have consistently stated that the statute and the SAA support analyzing the level of trade of CEP sales at the constructed level, after expenses associated with economic activities in the United States have been deducted, pursuant to section 772(d) of the Act. In the preamble to our proposed regulations, we stated

> With respect to the identification of levels of trade, some commentators argued that, consistent with past practice, the Department should base level of trade on the starting price for both export price EP and CEP sales * * * The Department believes that this proposal is not supported by the SAA. If the starting price is used for all U.S. sales, the Department's ability to make meaningful comparisons at the same level of trade (or appropriate adjustments for differences in levels of trade) would be severely undermined in cases involving CEP sales. As noted by other commentators, using the starting price to determine the level of trade of both types of U.S. sales would result in a finding of different levels of trade for an EP sale and a CEP sale adjusted to a price that reflected the same selling functions. Accordingly, the regulations specify that the level of trade analyzed for EP sales is that of the starting price, and for CEP sales it is the constructed level of trade of the price after the deduction of U.S. selling expenses and profit.
>
> *See Antidumping Duties; Countervailing Duties; Notice of Proposed Rule Making and Request for Public Comments*, 61 FR 7308, 7347 (February 27, 1996).

Consistent with the above position, in those cases where a level of trade comparison is warranted and possible, the Department normally evaluates the level of trade for CEP sales based on the price after adjustments are made under section 772(d) of the Act. *See, e.g., Large Newspaper Printing Presses and Components Thereof, Whether Assembled or Unassembled, From Japan: Notice of Final Determination of Sales at Less Than Fair Value*, 61 FR 38139, 38143 (July 23, 1996). We note that, in every case decided under the revised antidumping statute, we have consistently adhered to this interpretation of the SAA and of the Act. *See, e.g., Aramid Fiber Formed of Poly Para-Phenylene Terephthalamide from the Netherlands; Preliminary Results of Antidumping Duty Administrative Review*, 61 FR 15766, 15768 (April 9, 1996); *Certain Stainless Steel Wire Rods from France; Preliminary Result of Antidumping Duty Administrative Review*, 61 FR 8915, 8916 (March 6, 1996); and *Antifriction Bearings (Other Than Tapered Roller Bearings) and parts Thereof from France, et al., Preliminary Results of Antidumping Duty Administrative Review*, 61 FR 25713, 35718–23 (July 8, 1996).

In this case, in accordance with the above precedent, our instructions in the questionnaire issued to respondents stated that constructed level of trade should be used. All respondents adequately documented the differences in selling functions in the home and in the U.S. markets. Therefore, the Department's decision to grant a CEP offset to Nanya, MVI, and Vanguard was consistent with the statute and the Department's practice, and was supported by substantial evidence on the record.

We disagree with the petitioner's interpretation of *Borden* and of its impact on our current practice. In *Borden*, the court held that the Department's practice to base the level of trade comparisons of CEP sales after CEP deductions is an impermissible interpretation of section 772(d) of the Act. *See Borden*, 4 F. Supp. 2d at 1236–38; *see also Micron*, 40 F. Supp. 2d at 485–86. The Department believes, however, that its practice is in full compliance with the statute, and that the court decision does not contain a persuasive statutory analysis. Because *Borden* is not a final and conclusive decision, the Department has continued to follow its normal practice of adjusting CEP under section 772(d) of the Act, prior to starting a level of trade analysis, as articulated in the regulations at section 351.412. Accordingly, consistent with the *Preliminary Determination*, we will continue to analyze the level of trade based on adjusted CEP prices, rather than the starting CEP prices.

Company-Specific Issues

A. Etron

Comment 3: Facts Available. The petitioner argues that the Department must determine Etron's dumping margin based on facts otherwise available, and apply the highest margin calculated by the Department from the information provided in the petition. The petitioner states that Etron's actions in this investigation meet all the criteria for the application of facts available under section 776(a)(2) of the Act. The petitioner argues that: (1) Etron withheld information originally requested by the Department; (2) Etron refused to provide requested information in accordance with the Department's supplemental questionnaires; (3) Etron significantly impeded the Department's investigation by providing erroneous information and by refusing to allow verification of critical information; and (4) the Department found that critical aspects of the information that Etron did provide were unreliable and unverifiable. The petitioner states that, in general, the information on the record

reveals a web of undisclosed relationships that taints the reliability of the U.S. sales data reported by Etron, while the numerous accounting irregularities found in Etron's own records undermine the integrity of Etron's entire response.

Specifically, the petitioner argues that Etron failed to disclose essential facts concerning its relationship with one of its U.S. customers, as required by the Department's questionnaire. The petitioner states that information gathered by the Department, in combination with Etron's refusal to provide clarifying information in a response to a request for information from the Department, establishes an undisclosed affiliation between Etron and this customer. The petitioner states that this customer appears to be nothing more than a shell for Etron's U.S. subsidiary, Caltron, given certain facts, including the absence of any proof confirming a separate corporate existence for this customer. The petitioner also states that a sample sale examined at verification indicates that Etron's transactions with this customer were not made on an arm's length basis.

The petitioner further argues that the information gathered by the Department indicating undisclosed affiliations between Etron and its customers renders Etron's questionnaire response inherently unreliable. The petitioner adds that this unreliability is compounded by Etron's refusal to provide critical, clarifying information on these relationships, and its refusal to allow verification at its U.S. subsidiary, Caltron. The petitioner states that, in particular, the evidence that Etron had reported U.S. sales to an affiliate instead of sales from the affiliate to the first unrelated customer means that the submitted U.S. sales listing is fatally incomplete. To support its argument, the petitioner cites to *Hot-Rolled Flat-Rolled Carbon-Quality Steel Products from Japan*, 64 FR 24329, 24367–68 (May 6, 1999) (*''Hot-Rolled Steel from Japan''*), in which the Department stated that ''information possessed by a U.S. affiliate * * * is essential to the dumping determination.''

The petitioner further indicates that the Department's sales verification uncovered numerous other discrepancies that by themselves justify rejection of Etron's entire questionnaire response. The petitioner states that the Department discovered that Etron submitted incomplete and erroneous financial statements, and had accounting irregularities in its financial statement. Citing *Antifriction Bearings (Other than Tapered Roller Bearings)* from Germany, 56 FR 31692 (July 11, 1991) (*''Bearings from Germany''*), the petitioner states that these problems jeopardize the integrity of Etron's entire questionnaire response. The petitioner also states that Etron employed highly irregular procedures and intentionally misleading accounting practices in connection with its U.S. sales operations and with respect to Etron and its U.S. affiliate, EiC Corporation. The petitioner further states that Etron's attempt to report fictitious home market sales prices throws additional doubt on the accuracy and completeness of all of its reported sales.

The petitioner also argues that the application of facts available is justified in light of other factors, such as Etron's failure to report certain purchases in its response, Etron's failure to provide a page of its 1998 consolidated financial statement in its response, and the Department's inability to reconcile Etron's total DRAMs purchases to Etron's financial statement. Citing again *Bearings from Germany*, the petitioner notes that a significant aspect of the Department's verification procedures is to reconcile the company's reported data to its financial statements. The petitioner adds that the findings at verification are more than simple oversights: they demonstrate Etron's untruthfulness in responding to direct questions from the Department.

The petitioner concludes that Etron's actions, including its refusal to provide requested information and blocking the verification of Caltron Technology, establish that Etron has not cooperated to the best of its ability in this investigation and has impeded the Department's investigation. The petitioner concludes that the numerous errors and omissions in Etron's submitted financial statements and the accounting irregularities discovered by the Department at verification render Etron's questionnaire response as a whole unreliable and unusable.

The petitioner notes that, in other instances involving similarly uncooperative respondents, such as in *Welded Carbon Steel Pipes and Tubes from Thailand*, 62 FR 53808 (October 16, 1997) (*''Pipe from Thailand''*), the Department has imposed total adverse facts available. Citing *Emulsion Styrene-Butadiene Rubber from Brazil*, 64 FR 14683 (March 29, 1999) (*''Rubber from Brazil''*), *Stainless Steel Bar from Spain*, 59 FR 66931 (December 28, 1994) (*''Bar from Spain''*), and *Circular Welded Non-Alloy Steel from Venezuela*, 57 FR 42962 (September 17, 1992) (*''Welded Steel from Venezuela''*), the petitioner also notes that the Department should base Etron's margin on the highest margin listed in the petition in accordance with its standard practice in dealing with uncooperative respondents.

In its rebuttal brief, the petitioner further points out that Etron, in its case brief, offers no explanation or justification for: evidence of an affiliation between Etron and a U.S. customer; critical discrepancies that the Department found at verification in U.S. sales documentation; and Etron's refusal to respond to the Department's request for supplemental information and to permit verification at Caltron. The petitioner also argues that Etron's attempt to minimize the numerous errors the Department found at Etron's sales verification is not credible, and that these problems confirm the total unreliability of Etron's questionnaire data.

Etron disagrees with the petitioner's claim that the Department should apply total adverse facts available to Etron based on the highest petition rate. Etron claims that the application of total adverse facts available in this case would be improper and inappropriate. Specifically, Etron states that it did not report any fictitious sales to one of its U.S. customers. Etron maintains that various documents on the record demonstrate that Etron had business dealings and significant sales with this company. Etron adds that there would be no reason for Etron to hide such a small portion of sales and jeopardize its overall position in the dumping case.

Etron further argues that a failure to disclose certain information about EiC Corporation is irrelevant because Etron had acknowledged from the start of this case that EiC Corporation is an affiliated party. Etron claims that there was nothing irregular in its accounting records for a sale involving EiC Corporation, and that Etron, due to its inexperience, incorrectly identified this sale as a CEP sale.

Etron argues that the warehouse sales were properly reported and verified. Etron further states that the discrepancies between the U.S. warehouse sales ledger and the source documents described by the Department are readily explained from examination of the relevant sales verification exhibit itself.

Etron notes that the vast majority of the errors in its auditor's translation of its financial statement are minor. Etron states that, among these errors, the inadvertent submission of the income statement of its unconsolidated financial statement as that of its consolidated financial statement cannot invalidate an entire record, nor constitute a basis for applying total adverse facts available. Furthermore, in

regards to the incorrect home market prices that Etron reported for certain sales, Etron states that the impact of Etron's error is minor at most, especially given that Etron provided the Department with both the actual and incorrect prices.

Etron additionally asserts that the Department was able to verify Etron's purchases from Vanguard to the relevant accounting documents. Etron states that, as it explained and documented at verification, its outside auditors had presented an incorrect figure in the financial statement for Etron's purchases from Vanguard. Etron also states that it reported in the response the details of a purchase that the petitioner claims Etron failed to report. Etron further claims that it correctly eliminated a U.S. sale from the sales listing.

Etron further contends that the cases the petitioner cites to support its argument that the Department should use total facts available to determine Etron's margin present facts different from the situation at issue. Etron states that, in *Pipe from Thailand*, the respondent, Saha Thai, refused to provide information relating to what parties controlled Saha Thai, and thereby impeded the Department's affiliation analysis. Etron states that, in the instant case, the issue at hand does not relate to control of Etron itself, and Etron's inability to respond to the supplemental questionnaire and participate in a U.S. verification does not distort the entire dumping analysis in the same manner as in *Pipe from Thailand*.

Etron argues that other cases cited by the petitioner (*i.e., Rubber from Brazil, Stainless Bar from Spain,* and *Welded Steel from Venezuela)* involve respondents who refused to allow any verification at all of any information. Etron states that, in contrast, it participated in a full two weeks of cost and sales verifications in Taiwan, and responded to multiple deficiency questionnaires. Etron also states that *Static Random Access Memory Semiconductors from Taiwan*, 63 FR 8909 (February 23, 1998) (''*SRAMs from Taiwan''*) is also distinguishable from the instant case because, in that case, the Department applied total adverse facts available to parties who refused to participate at all in the Department's investigation.

Etron further claims that, if the Department decides that total adverse facts available is warranted, it should, consistent with its authority and past practice, apply adverse facts available only to the volume and value of sales to the U.S. customer at issue. Citing the preamble of the Department's regulations (*Final Rule*, 62 FR at 27340), Etron states that the use of adverse inferences in the selection of facts available is discretionary, and not mandatory. As such, this issue should be decided on a fact and case-specific basis. Etron also states that the Department has the authority, as affirmed by the CIT in *National Steel Corporation* v. *United States*, 870 F. Supp. 1130, 1335 (CIT 1994), to apply adverse facts available on a partial or total basis.

Etron specifically argues that the only direct implication of any failure by Etron to disclose a possible affiliation with a customer could only impact sales to that customer. According to Etron, if the Department deems it appropriate to apply adverse facts available to sales by Caltron, the Department should limit the application of adverse facts available to only the volume and value of Caltron's sales, which Etron claims were verified by the Department in Taiwan. Etron also argues that, in any case, there is no basis for applying adverse facts available to the sale involving EiC Corporation.

Etron contends that the Department has applied partial, rather than total, adverse facts available in other similar circumstances. To support its position, Etron cites *DRAMs from the Republic of Korea*, 61 FR 20216 (May 6, 1996), 64 FR 30481 (June 8, 1999) (''*DRAMs from Korea 1996 and 1999''*, respectively), *Steel Sheet and Strip in Coils from Italy*, 64 FR 30750 (June 8, 1999) (''*Steel Sheet and Strip from Italy''*), *Industrial Nitrocellulose from the United Kingdom*, 59 FR 66902 (December 28, 1994), *Certain Hot-Rolled Carbon Steel Flat Products, et al, from Canada*, 58 FR 37099, 37100 (July 9, 1993), and *Hot-Rolled Steel from Japan*.

Citing *Antifriction Bearings (Other than Tapered Roller Bearings) and Parts Thereof from France*, 62 FR 2081, 2088 (January 15, 1997) and *Extruded Rubber Thread from Malaysia*, 63 FR 12752, 12762 (March 16, 1998) (''*Thread from Malaysia*''), Etron further states that the Department takes into account the respondent's degree of experience in antidumping proceedings when determining the extent to which adverse facts available should be applied. According to Etron, in the instant case, the Department should take into account Etron's lack of experience in dumping proceedings when determining what margins to impose.

Etron further contends that, if the Department incorrectly determines that it should impose total adverse facts available on Etron, the Department should apply the highest calculated rate for any respondent in this proceeding, and not the petition rates. Etron states that the rates alleged in the petition have not been corroborated, and are therefore invalid, given that they were calculated for Nanya and Vanguard. Etron also states the petition rates are wildly out of line with the rates that the Department calculated in its preliminary determination, which are likely to remain the same for the final determination. Etron also argues that the petition rates do not reflect Etron's true range of margins because Etron sells a significant percentage of DRAMs that are high-priced, specialty graphic DRAMs, and Etron made a profit during the period of investigation.

In support of this position, Etron points out that, in *D&L Supply Co.* v. *United States*, 113 F. 3d 1120, 1223 (Fed. Cir. 1997), *Sigma Corp.* v. *United States*, 117 F.3d 1401, 1410 (Fed. Cir. 1997), *Pulton Chain Co., Inc.* v. *United States*, No. 96–12–02877, Slip Op. 97–162 (CIT December 2, 1997), *Borden*, 4 F. Supp. 2d at 1221, and *Ferro Union, Inc.* v. *United States*, 44 F. Supp.2d 1310 (CIT 1999), the courts have held that the Department may not use, as adverse facts available, a rate, including a petition rate, that was subsequently determined to be invalid. Etron also states that the Department itself, in *Melamine Institutional Dinnerware from Indonesia*, 62 FR 1719, 1720 (January 13, 1997), determined that uncorroborated petition data for one respondent should not be used as the basis for adverse facts available for other respondents. Citing *Frozen Concentrated Orange Juice from Brazil*, 64 FR 5767, 5768 (February 5, 1999), Etron further argues that the Department's standard practice in administrative reviews is to use, as adverse facts available, the highest calculated margin for other respondents in the proceeding.

DOC Position: We agree with the petitioner. The record evidence in this case amply demonstrates that Etron withheld crucial information necessary to substantiate Etron's representations regarding its affiliations with its U.S. customers. This, coupled with other inconsistencies and irregularities in Etron's database, as well as Etron's refusal to undergo a mandatory verification of the information requested by the Department, indicate that Etron failed to cooperate to the best of its ability under section 776(b) of the Act. Thus, we have determined that the application of total adverse facts available is warranted. *See Etron FA Memo* for a detailed evaluation of Etron's submissions and the Department's findings.

We disagree with Etron that its actions in this proceeding do not justify the application of total adverse facts available because Etron cooperated to the best of its ability under section 776(b) of the Act. As explained in detail in the *Etron FA Memo,* although the Department explicitly requested in the initial questionnaire, supplemental questionnaires, and subsequently at verification, that Etron disclose all of its affiliations, Etron failed to comply with these repeated requests. Following the verification, when Etron's failure to disclose all affiliations became apparent, and in light of other irregularities and omissions in Etron's responses (*see Etron FA Memo*), the Department issued additional supplemental questionnaires to provide Etron with yet another opportunity to explain and clarify these issues. In addition, the Department scheduled a verification at Etron's U.S. subsidiary, Caltron. As the record reveals, although Etron initially asked for an extension to respond to these supplemental questionnaires, it eventually refused to answer them in their entirety, and informed the Department that it would not undergo the scheduled verification. As a result of Etron's actions, the Department was unable to confirm the reliability and accuracy of Etron's submissions. In fact, the Department's independent efforts to corroborate Etron's affiliations revealed that the company indeed provided the Department with false and incomplete information. Therefore, as explained in detail in the *Etron FA Memo,* given that the necessary information is not available for purposes of reaching the final determination, section 776(a)(2) of the Act mandates that the Department apply total facts available to Etron. Moreover, because Etron's actions, as described above and in the *Etron FA Memo,* demonstrate that the company failed to cooperate by not acting to the best of its ability, section 776(b) authorizes the Department to use an adverse inference.

We disagree with Etron that the facts in the instant case differ from those in *Pipe from Thailand,* where the Department applied total adverse facts available. In both cases, the respondents at issue failed to disclose essential information concerning affiliations with their customers, and the Department discovered information establishing affiliation late in the proceeding. We also note that, unlike *Pipe from Thailand,* Etron has not submitted responses to all of the Department's questionnaires, while Saha Thai, the respondent in the latter case, submitted responses to all of the Department's questionnaires. Moreover, Etron refused to allow some verifications scheduled by the Department, while in *Pipe from Thailand,* Saha Thai allowed all verifications.

We further disagree with Etron that this case can be distinguished from other cases, such as *Rubber from Brazil, Bar from Spain, Welded Steel from Venezuela,* and *SRAMs from Taiwan,* where the Department applied total adverse facts available to uncooperative respondents. Although the Department determined to apply total adverse facts available based on the particular facts in each of these cases, each respondent failed to cooperate with the Department to the best of its ability. For example, in *Rubber from Brazil,* 64 FR at 14683–84, the respondent at issue did not participate in any verification, and in *SRAMs from Taiwan,* 63 FR at 8910–11, the respondents did not respond to any of the Department's requests for information. In this case, as explained above, Etron simply refused to cooperate with the Department by withholding essential information that appeared to be readily at its disposal, not to mention its refusal to cure other deficiencies in its responses and undergo verification. The totality of facts in this case thus demonstrate, as in other cases cited by Etron, that Etron did not cooperate to the best of its ability within the meaning of section 776(b) of the Act.

We further disagree with Etron that the facts in the instant case merit the application of partial adverse facts available only to missing or unverified information. Contrary to Etron's position, in the cases cited by Etron, the information submitted by respondents was usable, and there was no question with respect to the veracity of the submissions. For example, in *DRAMs from Korea 1999,* 64 FR at 30482, *Steel Sheet and Strip from Italy,* 64 FR at 30755, and *Hot-Rolled Steel from Japan,* 64 FR at 24367–69, the Department applied partial adverse facts available to certain isolated subsets of U.S. sales, such as sales through U.S. affiliates, that respondents failed to report. These omissions, unlike Etron's omissions, did not affect the usability of the other information submitted by respondents.

In contrast to other cases involving cooperative respondents, here the record demonstrates that, despite our repeated requests, Etron purposely withheld information necessary to confirm the reliability of its questionnaire responses. Contrary to Etron's assertion, this information did not pertain only to a small portion of Etron's U.S. sales, but to a large part of Etron's U.S. database, and calls into question the veracity of Etron's entire U.S. database. Etron's refusal to undergo the U.S. verification at Caltron raises further questions with respect to the accuracy of the information and increases the Department's concerns that Etron purposely may have provided false data. This, in turn, undermines the reliability of Etron's submissions as a whole, regardless of whether the company appeared to cooperate with the Department during part of the proceeding. *See Stainless Steel Sheet and Strip in Coils from Germany,* 64 FR 30710, 30740 (June 8, 1999) (during verification, where ''errors are identified in the sample transactions, the untested data are presumed to be similarly tainted absent satisfactory explanation and quantification on the part of the respondent'').

We agree with Etron that, in determining whether the respondent cooperated to the best of its ability, the Department considers the general experience of the respondent in antidumping duty proceedings, which, in turn, dictates the extent to which facts available should be applied. *See Thread from Malaysia,* 63 FR at 12762. However, the deficiencies in Etron's responses, for the most part, have not resulted from a lack of experience, but from Etron's willful attempts, as discussed above and in the *Etron FA Memo,* to conceal and withhold information from the Department.

Finally, we disagree with the respondent that the Department may not use, as adverse facts available, a rate from the petition, where different, company-specific rates are subsequently calculated in the LTFV final determination. As explained in the ''Facts Available'' section of this notice, when selecting adverse facts available, the Department may rely upon, *inter alia,* secondary information drawn from the petition, subject to the corroboration requirements of section 776(c) of the Act. As explained in detail in the *Etron FA Memo,* given that the information in the petition in this case has probative value, we have determined to use, as adverse facts available, the highest margin alleged in the petition. Our determination is consistent with the Court of Appeals for the Federal Circuit's recent holding that it is reasonable for the Department to rely on the petition rate as adverse facts available, even though this rate differs from the rates calculated in the Department's subsequent LTFV investigation. Such a petition rate would not be appropriate only where it has been judicially invalidated, which does not apply in the instant case. *See*

D&L Supply Co. v. *United States,* Consol. Court No. 92–06–00424, Slip Op. 98–81 (CIT June 22, 1998), aff'd in *Guangdong Metals & Minerals* v. *United States,* Court Nos. 98–1497, 98–1549, 1999 U.S. App. LEXIS 21650 (Fed. Cir. Sept. 10, 1999).

Comment 4: Affiliation Between Etron and Vanguard. The petitioner argues that the Department's sales verification report provides previously undisclosed facts that confirm the existence of an affiliation between Etron and Vanguard. The petitioner states that the Department discovered that Etron failed to report certain purchases from Vanguard and other companies, which underscores the extent to which Etron relied on Vanguard as a source of supply. The petitioner further contends that the Etron sales verification report discloses additional evidence of the Lu family's extensive, collective control over Etron. The petitioner argues that this evidence supports the conclusion that C.Y. Lu, as a member of the Lu family, the brother of Etron's CEO, and as President of Vanguard, was in a position to exercise restraint or direction over Etron. The petitioner additionally argues that Etron's purchase of Vanguard stock, and purchase and sale of its own stock (which are listed on the page of Etron's 1998 consolidated financial statement that Etron had failed to submit to the Department), further support a finding of affiliation between Etron and Vanguard.

According to Etron, the Department confirmed during verification the central elements that the Department relied upon in its preliminary determination to demonstrate that Etron and Vanguard are not affiliated. Etron states that, contrary to the petitioner's claims, certain of Etron's purchases demonstrate the dynamic nature of the market, and that Etron is able to purchase products from multiple sources. Etron adds that the fact that certain parties owned small shareholdings in Etron is irrelevant to the affiliation issue, and no information in the verification reports in any way undercuts the conclusion that the brother of C.C. Lu, the CEO and Chairman of Etron, was not in a position of ''control'' over Vanguard. Etron further argues that, simply because a portion of Taiwan Semiconductor Manufacturing Company's (''TSMC's'') purchases of Etron stock was made in a certain way, rather than entirely on the open market, in no way supports a finding of affiliation between Etron and Vanguard, particularly since all the transactions took place after the POI.

Etron finally claims that it was under no obligation to identify a certain other company as an affiliated party because this company was not involved in the sale or production of the subject merchandise.

DOC Position: For purposes of the preliminary determination, the Department determined that Etron and Vanguard were not affiliated within the meaning of section 771(33)(F), given that the Lu family was not in a position of legal or operational control over Vanguard. *See* Memorandum on Whether Etron Technology, Inc. and Vanguard International Semiconductor Corporation are Affiliated Under Section 771(33) of the Act, dated May 21, 1999. At verification, we carefully examined Vanguard's corporate and financial records. While family members occupied positions in Vanguard and Etron, we found no evidence of the Lu family's control over Vanguard's daily operations that would contradict our preliminary finding. Accordingly, consistent with our preliminary determination, we continue to find that during the POI, no member of the Lu family was in a position of legal and operational control over Vanguard within the meaning of section 771(33)(F) of the Act. *See* Vanguard's Sales Verification Report at 3–4. We note, however, if we issue an order in this case, we intend to reexamine the relationship between these two companies in any future administrative review.

Comment 5: Research and Development Expenses. Etron argues that its offset to R&D expenses for R&D revenues was in accordance with the Department's practice and that the Department erroneously excluded the offset in its preliminary determination.

The petitioner contends that the Department was correct in its preliminary determination to deny Etron's offset to its R&D expense for revenues received from R&D projects.

DOC Position: Given that the Department is rejecting Etron's reported sales and cost information to calculate Etron's margin, and is applying total facts available, the issue of whether the Department should allow an offset to Etron's R&D expenses is moot.

Comment 6: Stock Bonus Distributions to Employees. Etron argues that, in its preliminary determination, the Department erroneously included the stock bonus provided to employees in Etron's COP.

The petitioner counters that the Department appropriately included Etron's 1998 employee stock bonus and cash payments to supervisors in the reported costs in its preliminary determination.

DOC Position: As with comments 5, the question of how to treat the stock distribution to Etron's employees is moot in light of our decision to apply total facts available to Etron.

B. MVI

Comment 7: Collapsing MVI and ProMOS. MVI states that the Department's preliminary determination not to collapse MVI and ProMOS and to treat ProMOS as a non-producing subcontractor was made in contravention of the law, the regulations, and the Department's established practice. According to MVI, ProMOS and MVI should be collapsed, the major input rule should not apply, and consequently, the cost of DRAMs produced at ProMOS should be valued using ProMOS's actual COP.

MVI claims that, under section 351.401(h) of the regulations, the Department should treat DRAM semiconductor foundries as producers unless the foundry: (1) Does not acquire ownership of the subject merchandise, and (2) does not control the relevant sale of the subject merchandise. According to MVI, in *SRAMs from Taiwan,* the Department stated that, even though the foundries owned the processed wafer, they did not own the crucial SRAM design, and therefore were not ''producers.'' MVI maintains that this same logic does not apply in this case because ProMOS has ownership rights in the proprietary designs of the DRAMs it manufactures, similar to the design houses in *SRAMs from Taiwan.* Therefore, MVI contends that ProMOS must be deemed a producer of subject merchandise.

Further, MVI states that, under section 351.401(f)(1) of the Department's regulations, the Department must collapse MVI and ProMOS because they are: (1) Affiliated producers of subject merchandise; (2) they have production facilities in Taiwan for similar or identical products that would not require substantial retooling of either facility in order to restructure manufacturing priorities; and (3) there is a significant potential for the manipulation of price or production. According to MVI, because MVI and ProMOS should be collapsed and treated as a single entity under the regulations, the major input rule is inapplicable to them. Therefore, the Department should value ProMOS die using ProMOS's actual costs of production.

The petitioner states that, under the totality of facts, ProMOS is no different from the other semiconductor

fabricators that the Department has, in other cases, found to be simply foundries for the respondents. According to the petitioner, because there is no dispute that ProMOS is affiliated with MVI, and because there is no dispute that a fabricated wafer is a ''major input'' to a finished DRAM, the Department properly used the highest of cost or transfer price to determine the cost of DRAM die purchased by MVI from ProMOS.

The petitioner further argues that, if the Department were to find that ProMOS is a producer, it must collapse ProMOS and MVI, and calculate a single dumping margin, including margins on the sales of ProMOS DRAMs made through Siemens. In such a case, the petitioner contends that, because MVI did not report the sales through Siemens, the Department must make an adverse inference in applying facts available, and recommends that the Department should apply to the unreported volume of sales made through Siemens the highest individual dumping margin calculated for any other sale.

DOC Position: We disagree with MVI's contention that ProMOS should be considered a ''producer'', and that MVI and ProMOS should be collapsed for the purposes of the final determination. In response to the comments filed by MVI and the petitioner, we have reexamined the terms of the agreements between MVI and Siemens, and MVI, Siemens, and ProMOS. Based on this analysis, we stand by our preliminary determination that ProMOS is not a ''producer'' of the subject merchandise within the meaning of section 771(28) of the Act. *See Preliminary Determination,* 64 FR at 28986. Rather, the terms of the agreements indicate that ProMOS did not acquire ownership of the relevant subject merchandise and did not control the sale of relevant subject merchandise. Moreover, ProMOS did not control the sale of any merchandise. Therefore, we determine that, under 19 CFR 351.401(h), ProMOS served as a subcontractor to MVI and should be treated as such in our analysis. *See Memorandum on Whether ProMOS Technologies, Inc. (''ProMOS'') is a Producer of Subject Merchandise and as Such Should be Collapsed with Mosel Vitelic, Inc. (''MVI''),* dated October 8. 1999. Thus, for the final determination, we have not collapsed MVI and ProMOS. We, therefore, have continued to apply the major input rule, pursuant to section 773(f)(2) and (3) of the Act and section 351.407(b) of the Department's regulations, to MVI's purchase of inputs from ProMOS. We note, however, that should we issue an order in this case, we intend to revisit this issue if any of the facts of this situation change in any future administrative review.

Comment 8: Unreported Home Market Sales. MVI argues that, if the Department concludes that certain sales shipped to destinations within Taiwan, and invoiced to North American customers by MVI's U.S. affiliate, MVC, should be treated as home market sales, then the Department should exclude them from the home market sales listing. MVI states that these sales are relatively few in number and were made outside the ordinary course of business. MVI also argues that, if the Department decides to include these sales in MVI's home market sales listing, it should use all of the data from MVC's Verification Exhibit 22, which contains all the invoices as well as a complete sales listing, including adjustments, for these sales.

The petitioner points out that no documentation was provided by MVC at verification indicating that the sales with bill-to addresses in North America but ship-to addresses in Taiwan were in fact destined for North America. According to petitioner, these sales should have been included in the home market database.

The petitioner argues that, because MVI 's submitted home market sales listing is incomplete, and thus not verified, the Department must rely on facts available. For this purpose, the petitioner states, the Department should add the sales listed in Verification Exhibit 22 to the home market sales database, using the listed gross unit price for the calculation of normal value. The petitioner claims that, because MVI did not submit in its response the transaction-specific data required to make adjustments to gross unit price, the unadjusted prices must be used as facts available. This, the petitioner maintains, represents a measured response that avoids the application of total facts available, yet it is a sufficiently adverse consequence for MVI's failure to provide a complete and accurate sales listing.

In rebuttal, MVI argues that the petitioner's suggestion for facts available should be rejected because MVC has been a cooperative respondent in this investigation and its reporting methodology for U.S. sales was fully disclosed and adopted in good faith. Further, MVI contends that the petitioner is incorrect in arguing that MVI did not submit in its response the transaction-specific data that is required to make adjustments to gross unit price. According to MVI, the necessary adjustments are allocations that were reported in full in MVI's Section B and C responses and supplemental responses of February 26, 1999 and March 24, 1999, which all were subject to verification.

DOC Position: We disagree with the petitioner that we should apply facts available for these unreported sales. An examination of the information collected at verification reveals that MVI should have reported these sales, but the amount of the sales in question is relatively insignificant, both in terms of quantity and value of MVI's total home market sales. Thus, we are disregarding those sales discovered during verification because the volume of unreported sales is relatively insignificant.

The Department has, in the past, disregarded sales inadvertently omitted from the home market database when such reported sales were of insignificant quantity and value. See *Final Determination of Sales at Less Than Fair Value: Oil Country Tubular Goods from Austria,* 60 FR 33553 (June 28, 1995); *Notice of Final Determinations of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products, Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products, and Certain Cut to Length Carbon Steel Plate from France,* 58 FR 37125 (July 8, 1993).

Further, based on our analysis of information collected at verification, including invoices and sales listing (including adjustments), the inclusion of these sales in home market sales database would lower MVI's weighted-average dumping margin. Thus, the record indicates that the omission of these unreported sales is in fact, adverse to MVI's interests. Accordingly, no further adverse action is warranted.

Comment 9: Manufacturing Costs Capitalized in ProMOS's Construction in Progress Accounts. MVI argues that the manufacturing costs capitalized in ProMOS's construction in progress (''CIP'') accounts should not be included in ProMOS's reported production costs. MVI states that ProMOS's records are kept in accordance with Taiwanese GAAP and reasonably reflect the costs associated with the production of the subject merchandise. MVI cites Accounting Principles Board (''APB'') Opinion number 4, which calls for the deferral to future accounting periods of those costs associated with future revenue. MVI argues that the costs booked in ProMOS's CIP accounts are costs associated with the testing and approval of production machinery used in the future production of various types of DRAM products. MVI argues that these costs are therefore related to future

revenue, and are properly capitalized under both U.S. and Taiwanese GAAP. As such, they should not be added to ProMOS's COP. MVI further argues that, if the increase in the CIP account for SDRAM DRAM wafers is added to ProMOS's COP, then the decrease in the CIP account for EDO DRAM products should be subtracted from ProMOS's COP.

The petitioner argues that it is very unusual for a wafer fabrication facility to have large amounts of manufacturing expenses in a CIP account. According to the petitioner, even though MVI considers its treatment of capitalized expenses reasonable, it makes no attempt to show how the capitalization of such unusually large amounts of manufacturing expenses is reasonable. The petitioner asserts that it is not the increase in the amount of CIP account as a whole that is of concern, but rather the capitalization of extraordinarily large amounts of non-fixed assets in the CIP account. Also, the petitioner states that the Department has incomplete information as to the amount of fixed assets in the CIP account for EDO DRAM products. The petitioner points out that this was a relatively mature production process by the end of the POI, and that much of the equipment for this product should have come online during the POI. Thus, even though there is no evidence on the record of such, the petitioner indicates that there was probably a great increase in the manufacturing CIP for EDO DRAMs over the POI, and that the Department should add an amount to ProMOS's EDO production costs.

DOC Position: We agree with MVI that ProMOS's manufacturing costs capitalized in its CIP accounts should not be included in full in ProMOS's COP for the POI. Section 773(f)(1)(A) of the Act states that costs ''shall normally be calculated based on the records of the exporter or producer of the merchandise, if such records are kept in accordance with the generally accepted accounting principles of the exporting country (or the producing country, where appropriate) and reasonably reflect the costs associated with production and sale of the merchandise.'' In its ordinary books and records, ProMOS capitalized manufacturing costs incurred during the testing phase of operations at its new production lines. Even though these cost items are normally expensed as incurred for commercial operations, Taiwanese GAAP allows companies to capitalize these costs to CIP during the testing phase of operations. In accordance with its normal books and records and Taiwanese GAAP, ProMOS reported only the amortized portion of the capitalized costs. We agree with MVI that it was appropriate to report only the amortized portion of the manufacturing because the capitalization of these expenses during the testing phase of production is reasonable and the amortization of these expense reasonably reflects the per-unit cost of producing the subject merchandise. In other words, deferring some of the testing costs by capitalizing them and only reflecting the amortized portion in the per-unit COP through depreciation of the associated fixed assets is reasonable.

We agree with MVI that Taiwanese GAAP requires immediate recognition of manufacturing costs in mature production facilities but allows for capitalization and amortization of costs for production lines still involved in the testing phase of operations. As a result of the continuous testing of the SDRAM production line, SDRAM production activity during the period in which manufacturing costs were capitalized was relatively low when compared to the post-capitalization production period activity. In addition, we disagree with the petitioner's statement that the capitalized manufacturing costs were extraordinarily high. We find that, when compared to the manufacturing costs incurred during the testing phase, the manufacturing costs incurred and capitalized in aggregate during the test phase appear neither extraordinarily high nor unreasonable. *See* MVI cost verification exhibits 17 and 41.

The SAA at 834 states that ''[t]he exporter or producer will be expected to demonstrate that it has historically utilized such allocations, particularly with regard to the establishment of appropriate amortization and depreciation periods and allowances for capital expenditures and other development costs.'' In this case, we verified that the company had capitalized and amortized manufacturing costs incurred during the test phase of production at its new production lines prior to the inception of this case. *See* MVI cost verification exhibit 41. In addition, we note that ProMOS's treatment of these manufacturing costs incurred during the test phase of production is consistent with the CIT's remand in *Micron Technology, Inc.*, v. *United States,* 893 F. Supp. 21 (CIT 1995). In this case, the court stated that, ''to the extent test production and related construction provide a benefit to current and future production, such costs are properly capitalized and amortized over the periods in which the benefits accrue.'' 893 F. Supp. at 25.

Comment 10: ProMOS's R&D Expenses. MVI argues that the entire amount of R&D expenses capitalized in the CIP accounts at the end of the POI should not be added to ProMOS's R&D expenses. Instead, MVI maintains that only the R&D expenses incurred during the POI should be included in the R&D allocation calculation. MVI points out that a portion of the R&D expense capitalized prior to the POI was amortized during the POI, and it was included in the R&D expense on MVI's financial statements. MVI reasons that, given that these R&D costs were not actually incurred during the POI, they should not be included in the allocation calculation.

The petitioner argues that no R&D should be deferred in a CIP account because capitalizing R&D is distortive of costs. The petitioner cites *DRAMS from Korea 1999,* 64 FR at 30484–85, which states that ''capitalizing R&D expenditures is distortive of costs.'' The petitioner also cites U.S. GAAP which requires ''all R&D costs to be expensed in the year incurred,'' as support for its position that no R&D be deferred in a CIP account.

DOC Position: We disagree with both MVI and the petitioner. While we agree that R&D costs should be expensed as incurred, the current situation is different. As explained in comment 9, ProMOS capitalized current manufacturing costs related to testing costs. In this instance, ProMOS classified some of these manufacturing costs as R&D incurred during the testing phase of operations. Although ProMOS classified these costs as R&D, they actually are costs from the testing phase of operations. Consistent with our position on the capitalized manufacturing costs that ProMOS incurred during the testing phase of operations, we consider it appropriate, under Taiwanese GAAP, for ProMOS to capitalize and amortize operating costs incurred during this testing phase. Following this approach, all testing expenses amortized during the POI should be recognized as a POI cost of production, regardless of whether it was originally incurred and capitalized prior to or during the POI.

Comment 11: Allocation of ProMOS's R&D expenses. MVI argues that, in following the cross-fertilization principle, the Department should allocate ProMOS's R&D expenses to all products sold by MVI. MVI cites *SRAMS from Taiwan,* 63 FR at 8925, where the Department concluded that ''where expenditures benefit more than one product, it is the Department's practice to allocate those costs to all of the products which are benefitted.'' MVI

states that, under the cross-fertilization principle, MVI products could benefit from ProMOS's R&D expenditures and, therefore, ProMOS's R&D expenses should be allocated over all MVI's semiconductor products. Furthermore, MVI states that, if the Department continues to allocate ProMOS's R&D expenses exclusively to ProMOS's production, then MVI's R&D expenses should only be applied to merchandise produced at MVI.

The petitioner argues that ProMOS's R&D should only be allocated to ProMOS, which is consistent with the Department's treatment of ProMOS as a subcontractor.

DOC Position: We agree with the petitioner. ProMOS is an affiliated subcontractor of MVI that provides a specific input to MVI for the production of subject merchandise. As a subcontractor, ProMOS's R&D expenses should be connected with the merchandise ProMOS produced, which, in this case, is the input provided to MVI, whereas MVI's R&D costs should be allocated to all of the merchandise it produced. Moreover, we normally calculate G&A and R&D on an entity-specific level, not on a consolidated level. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Round Wire From Canada,* 64 FR 17324, 17334 (April 9, 1999) (''*Stainless Steel Round Wire From Canada*''). In the present case, respondent's reference to *SRAMS from Taiwan* is not applicable because that case refers to R&D cross-fertilization between different semiconductor products produced by the same company, and not between semiconductor products of the respondent and an affiliated subcontractor supplier, as in this case.

Comment 12: MVI's R&D expenses. MVI points out that MVC's R&D expenses are included in MVI's R&D expenses in its unconsolidated financial statements. However, MVC's COGS is not included in MVI's unconsolidated financial statements, thereby distorting MVI's R&D allocation ratio. MVI states that the numerator and the denominator used in the R&D expense allocation should be calculated using data from the same companies.

The petitioner claims that MVI's COGS used in the R&D ratio calculation was taken from MVI's financial statements and included the cost of products sold by MVI to MVC for resale to the U.S. market. The petitioner states that, if the Department were to add MVC's COGS to MVI's COGS, it would result in double-counting.

DOC Position: We agree with the petitioner that MVI's R&D rate computation should be based on the R&D costs and the cost of sales amounts as reported on MVI's audited financial statements. The fact that MVI may have performed some R&D for the benefit of MVC does not mean that MVI did not derive any benefit from that R&D. Consistent with our position that all semiconductor R&D benefits all semiconductor products (*see SRAMS from Taiwan,* 63 FR at 8925), we computed MVI's R&D rate as the ratio of MVI's company-wide R&D over company-wide cost of sales. Moreover, we note that MVI's cost of sales as reported on its financial statements already includes the cost of sales for those products which were sold to MVC and then resold in the U.S. market. *See* MVI cost verification exhibit 15. To include MVC's cost of sales in MVI's R&D rate calculation, as MVI argues, would double-count these cost of sales.

Comment 13: Employee Stock Bonuses. MVI states that the employee stock bonuses paid by MVI should be valued at the market price of MVI's stock on the date of the distribution of the shares. MVI points out that the Department's preference is that stocks be valued as of the grant date, based on the Financial Accounting Standards Board's Statement of Financial Accounting Standard (''SFAS'') No. 123. MVI argues that SFAS 123 is not appropriate in this circumstance because SFAS 123 applies to stock options awarded as compensation, whereas MVI has awarded actual stock shares as compensation. MVI asserts that, with stock options, the company has no way of predicting when employees will choose to exercise the option. Consequently, the company has no immediate way to measure the value of the stock provided. However, in this instance, MVI knows the value of the shares provided and the actual cost to the company on the day the shares are distributed to the employees.

MVI continues that, even though it is not applicable, SFAS No. 123's definition of grant date as ''the date on which the employer and employee come to a mutual understanding of the terms of a stock-based compensation award'' further supports their argument for the use of the distribution date. MVI claims that the mutual understanding of the value of the employees' profit-sharing bonus does not occur until the date on which the stock is issued because the value of the stock is not determined until that date.

MVI states that, in calculating a company's actual costs, the Department should use the share distribution costs that best reflects the known costs to the company. MVI points out that, in *SRAMs from Taiwan,* 63 FR at 8922, the Department reasoned that the cost of stock bonuses to the company ''is foregoing the opportunity to acquire capital by issuing or selling those shares to investors at the market price.'' MVI argues that, in this case, the opportunity cost is not incurred upon the announcement of the bonus, but rather upon the distribution of the bonus. Furthermore, MVI states that the employees' ownership rights to the shares are vested upon distribution, and not upon declaration.

MVI maintains that if the market value of the stock shares is determined by using the value of the shares on the date of declaration, the Department should consider the dilution effect of the share distribution. MVI states that the actual market value is diminished by the quantity of shares issued over shares outstanding. MVI points out that MVI's stock value declined as a result of the declaration of the stock bonuses, and that the Department should therefore adjust the market price used for the valuation of the stock shares by the dilution effect of the declaration.

MVI contends that, if the Department uses the date of the shareholder meeting to value employee stock bonuses, the Department should calculate an offset to the bonus given that the company did not issue shares until the date of distribution. MVI reasons that, if the Department attributes a cost to MVI that the company did not incur, then the Department should attribute to MVI the corresponding benefit that would inure to MVI because of the delay in the distribution of shares.

The petitioner argues that the Department should adhere to the policy it adopted in *SRAMs from Taiwan* and value MVI's stock bonus at the fair market value on the date the bonus was authorized. In particular, the petitioner cites *SRAMs from Taiwan,* 63 FR at 8922–23, in which the Department stated that ''[a]s to the determination of fair market value, because the employee stock bonuses were authorized by UMC and Winbond shareholders at the annual shareholders' meetings, our preference would be to value the stock at the market price on those dates. However, since the dates of those meetings are not on the case record, we have valued the stock distributions on the date of issuance.''

The petitioner asserts that the terms of MVI's stock bonus were clearly settled on the date MVI's shareholders authorized the stock bonus and specified the number of shares to distribute. The petitioner points out that the number of shares to be distributed was in no sense dependent on the

market value of the stock on the issue date or MVI's number of employees. The petitioner states that, using the declaration date is supported by the Accounting Principles Board (''APB'') Opinion 25, which states that the measurement date is the earliest date on which both the number of shares to which an individual employee is entitled is known, and the option price is fixed. The petitioner argues that, in *SRAMs from Taiwan*, the Department had to resort to the market value on the date of issuance as a reasonable surrogate because the necessary information was not available in the record. The petitioner states that the opportunity cost forgone by MVI by issuing the stock as compensation to employees, rather than by selling it to investors on the open market, is better measured by the share value on the declaration date, and not the distribution date. The petitioner contends that, on the authorization date, the company obligated itself to issue a certain number of shares as a bonus to its employees, and that number of shares was fixed and did not vary with the fluctuations in the market value of the stock. The petitioner claims that MVI's examples of the stock bonus's dilution effect are not accurate because those examples involve stock splits and dividends, which constitute a distribution of additional shares to existing shareholders, and not the issuance of additional shares as compensation for services provided to the company. The petitioner concludes that MVI's theoretical benefit from delaying the issuance of the stock shares to employees would be a non-operating investment gain, and would not be allowed as an offset had such a gain been realized.

DOC Position: We agree with the petitioner that the employee stock bonuses should be recorded at fair market value on the date of the shareholders' approval. Our determination is based on the standards prescribed by SFAS 123 along with the precedent set forth in *SRAMs from Taiwan*, 63 FR at 8923. We recognize that Taiwanese GAAP allows stock bonuses to be recorded at par value as a reduction in stockholders' equity. However, in *SRAMS from Taiwan*, we determined that the treatment of stock bonuses under Taiwanese GAAP is distortive and does not reasonably reflect the cost of the subject merchandise, and, accordingly, we decided to rely on U.S. GAAP. While the Department acknowledges that SFAS 123 primarily addresses stock options, the standard actually stipulates that it applies ''to [both] stock options and other stock-based compensation arrangements.'' *Interpretation and Application of Generally Accepted Accounting Principles 1998*, by Patrick Delaney, *et al.* (John Wiley and Sons 1998) at 638. Thus, SFAS 123 would encompass the stock bonuses awarded by MVI to its employees and, as such, the shares of stock awarded to employees should be valued at fair market value on the grant date.

We disagree with MVI's claim that a ''mutual understanding'' of the value or opportunity cost of the stock bonus is not known until the date of distribution. A review of the record clearly indicates that the terms of the bonus were outlined in the minutes of the meeting where shareholder approval was granted. *See* MVI cost verification exhibit 47. As noted in *SRAMs from Taiwan*, 63 FR at 8923, SFAS 123 directs that ''[i]f an award is for past services, the related compensation cost shall be recognized in the period in which it is granted.'' In the instant case, the stock distributed by MVI in the current year was for service of the prior year. Under U.S. GAAP, it is appropriate to recognize the compensation cost, and thus value the compensation, when the stock bonus was granted, which was as of the date of the shareholders' approval.

We also disagree with MVI's argument as to the dilution effect the stock bonus will have on market price. There are many complex factors, such as investor predictions of future company performance, changes in a company's management or changes in a company's business plan, which influence the stock market price of a publicly traded company. To speculate that there is a direct correlation between the authorization of the stock bonus and the market price, which can be quantified in a simple mathematical formula, is therefore not reasonable.

In addition, we disagree with MVI that the company should be granted an offset to account for any benefit accrued due to the delay in the issuance of the shares to employees. Once shareholder approval is obtained, a legal obligation exists requiring immediate recognition. There is no indication on the record that MVI derived a benefit from the delay in the distribution of the shares. Therefore, in order to avoid speculation as to the impact of dilution or the value of any lost future benefit, the Department adheres to its previously stated practice of using the declaration date for the valuation of stock bonuses.

Comment 14: Startup Adjustment. MVI argues that the Department should grant MVI's request for a startup adjustment for the ProMOS facility. MVI states that the Department should use the number of wafers out and good die out, as well as the number of wafers entering production, to determine whether ProMOS reached commercial levels of production. MVI asserts that the precedent established in *SRAMs from Taiwan* of determining commercial levels of production based on wafer starts during the period is not an accurate measure. MVI claims that, during ProMOS's startup period, wafer starts are not relevant to the number of units processed because ProMOS used many wafers during the POI for engineering and other test purposes that were unrelated to the production of finished goods. MVI claims that commercial levels of production should be measured by volumes of wafers out, volumes of good chips, rated monthly capacity, yields at a commercially feasible level, commercial levels of depreciation, and commercial levels of employees. MVI contends that it was not until the third quarter of 1998 that ProMOS ended its startup period.

MVI asserts that the Department failed to explain why a relative escalation in wafer starts is indicative of commercial levels of production, or how this escalation is characteristic of the merchandise, producer or industry concerned. MVI provides examples of other wafer fabrication facilities' capacity levels during the POI to emphasize the point that ProMOS was operating below normal industry capacity levels during the POI. Finally, MVI states that the October 21, 1997 news release declaring commercial availability of 64 Megabit (''meg'') DRAMs produced by ProMOS should not be confused with the level of commercial production characteristic of the industry. MVI explains that the former is indicative of having merchandise, even the smallest amount, available for sale; the latter is indicative of having reached a particular level of production such that period costs reasonably reflect the normal COP.

The petitioner argues that ProMOS's startup period appears to have ended prior to the beginning of the POI. The petitioner cites section 773(f)(1)(C)(ii) of the Act, which states that ''the statute permits a startup adjustment to be made only if: a producer is using new production facilities or producing a new product that requires substantial new investment, and production levels are limited by technical factors associated with the initial phase of commercial production.'' The petitioner states that, while ProMOS was using a new production facility, any technical factors that may have initially limited

production levels ceased to be at issue in October 1997, when ProMOS achieved commercial production levels that are characteristic of the DRAM industry.

The petitioner claims that, in the October 21, 1997 press release, ProMOS announces commercial availability of 64 meg DRAMs. In the press release, ProMOS held itself out to be a facility producing at self-proclaimed high volumes, and offering commercial production. It also provided to customers detailed information with respect to its full product line and price data. This, according to petitioner, indicates that ProMOS had surpassed the threshold of initial commercial production. The petitioner asserts that the information ProMOS provided at verification regarding wafer starts further contradicts MVI's claim for a startup adjustment, pointing out that ProMOS's wafer starts remained constant throughout most of the POI.

The petitioner contends that ProMOS's achievement of its rated capacity is not the proper benchmark for determining when the startup period ends. The petitioner cites the SAA at 836, which states that ''[t]he attainment of peak production levels will not be the standard for identifying the end of the startup period, because the startup period may end well before a company achieves optimum capacity utilization.''

The petitioner argues that the number of units going into finished goods inventory is not a good measure of the achievement of commercial levels of production. The petitioner states that the number of good die resulting from the production process reflects not only the output of the process but also, and more important, the yield achieved in the production process. The petitioner cites *SRAMs from Taiwan,* 63 FR at 8930, where the Department focused on a similar product and determined the beginning of commercial production levels (and the end of the startup period) based on the number of wafer starts, and notes that the Department found this represented the best measure of the facility's ability to produce at commercial production levels.

Furthermore, the petitioner notes that in *SRAMs from Taiwan,* where a similar product was examined, the Department, citing the SAA at 836, which directs the Department to examine the units processed in determining the claimed startup period, rejected respondent's argument that the Department examine production yields as a measure of when commercial production begins. The petitioner points out that yields improve constantly throughout the life cycle of a semiconductor product. The petitioner cites the SAA at 836, which directs the Department to not extend the startup period so as to cover improvements and cost reductions that may occur over the entire life cycle of a product.

The petitioner asserts that the other factors, which MVI claims are a measure of commercial production, are without merit. The petitioner states that investment in DRAM facilities is ongoing and continues beyond the initial startup period. Finally, the petitioner argues that the wafer production data for other Taiwanese producers are not appropriate measures because fabrication facilities can, and are, designed to handle different capacity levels.

DOC Position: We disagree with MVI that a startup adjustment is warranted in this case. Section 773(f)(1)(C)(ii) of the Act authorizes adjustments for startup operations ''only where (I) a producer is using new production facilities or producing a new product that requires substantial additional investment, *and* (II) production levels are limited by technical factors associated with the initial phase of production'' (emphasis added). In light of the information contained in the administrative record, we consider ProMOS's facilities to be ''new'' within the meaning of section 773(f)(1)(C)(ii)(I) of the Act because the record indicates that these production facilities have been built for the purpose of producing DRAM products not produced by MVI's other fabrication facility. *See* January 25, 1999 section A response. However, we do not consider ProMOS's production levels to have been limited by technical factors associated with the initial phase of production during the POI within the meaning of section 773(f)(1)(C)(ii)(II) of the Act. Section 773(f)(1)(C)(ii) states that ''the initial phase of commercial production ends at the end of the startup period.'' Since, as explained below, the startup period has ended, we have determined that any technical factors that may have limited ProMOS's production ceased to be an issue when the facility reached what we consider to be commercial levels of production in October 1997, the beginning of the POI.

In determining whether commercial levels have been achieved, section 773(f)(1)(C)(ii) directs the Department to consider factors unrelated to the startup operations that might affect the volume of production processed, such as demand, seasonality or business cycles. Moreover, the SAA at 836 directs the Department to examine the units processed in determining the claimed startup period. In *SRAMs from Taiwan,* 63 FR at 8930, we stated that ''our determination of the startup period was based, in a large part, on a review of the wafer starts at the new facility during the POI, which represents the best measure of the facility's ability to produce at commercial production levels.'' Consistent with the SAA and *SRAMs from Taiwan,* in this case, we continue to believe that wafer starts provide the best measure of the facility's ability to produce at commercial production levels because the increase in wafer starts is indicative of ProMOS's resolution of technical problems that had initially restricted production. Based on this measure, we have determined that ProMOS reached commercial levels of production prior to the start of the POI. Due to the proprietary nature of this analysis, *see Cost Calculation Memorandum for MVI* dated October 12, 1999 for a more detailed explanation regarding the startup adjustment. Because section 773(f)(1)(C)(ii) of the Act establishes that both prongs of the test must be met before a startup adjustment is warranted, we have denied MVI's startup claim.

We agree with the petitioner's argument that units going into finished goods inventory are not a good measure of the achievement of commercial levels of production, given that they are more a reflection of the quality of the product produced and the yields achieved in the production process. In addition, we do not consider a industry-wide comparative yield approach appropriate for determining the end of the startup period because the respondent may never reach yields comparable to other producers. Furthermore, because yields improve constantly throughout the life cycle of a semiconductor product, based on yields, we might improperly find that some respondents may appear to never leave the startup period.

Additionally, commercial levels of depreciation, number of employees, and a commercially feasible yield are not appropriate measures of commercial levels of production because they do not measure the units processed as mandated by the SAA at 836. The SAA does not refer to quality of merchandise produced, the efficiency of production operations, or the number of employees, as criteria for measuring the length of the startup period. Rather the SAA at 836 relies strictly on the number of units processed, rather than output yields, as a primary indicator of the end of the startup period.

Regarding the October 21, 1997, press release, we disagree with MVI's statement that commercial availability is indicative of having the smallest amount of merchandise available for sale. We agree with the petitioner that,

because the press release provided product line information and pricing data, ProMOS held itself out to its customers as a high volume producer. This further supports our finding that the startup period ended by the beginning of the POI.

Finally, MVI's comparison of ProMOS's capacity to production data of other wafer fabrication facilities is without merit. We agree with the petitioner that each fabrication facility is designed to handle different capacity levels, which makes such a comparison incongruous. Moreover, even if production levels were limited, MVI failed to provide the Department with sufficient evidence of technical factors that may have limited ProMOS's new facility production levels during the POI.

Comment 15: Reconciliation Adjustment to ProMOS's Costs. MVI claims that ProMOS's costs should not be adjusted for the unreconciled difference reported by the Department. MVI explains that, because ProMOS is an affiliated producer of subject merchandise, it reported ProMOS's actual per-unit costs of manufacturing the subject merchandise instead of the transfer price recorded in its normal books and records. MVI states that, because the reconciliation assumes that all merchandise sold by ProMOS was fabricated in the same quarter in which it was sold, the timing difference between products going to ProMOS's finished goods inventory and output going to COGS accounts for the unreconciled difference reported in the cost verification report.

The petitioner argues that MVI has not provided a credible explanation for the unreconciled difference, and that the Department should increase ProMOS's costs by the amount of the unreconciled difference. The petitioner points out that MVI speculates that the discrepancy may be due to differences between the time a product was produced and the time it was sold, but MVI does not provide specific explanations identifying the differences. The petitioner asserts that ProMOS should have easily been able to show how its costs were allocated to subject merchandise, and to the extent that there is a discrepancy between the financial statements and the response, the amount of the discrepancy should be added to ProMOS's COP.

DOC Position: We agree with MVI's claim that ProMOS's costs should not be adjusted for the unreconciled difference. After reviewing certain verification exhibits, we have determined that the reconciling difference is eliminated when accounting for different valuations between the quarter the input merchandise was produced by ProMOS, and the quarter the merchandise was sold by ProMOS. *See Cost Calculation Memorandum for MVI* dated October 12, 1999 for a detailed explanation.

Comment 16: Back End Costs. MVI states that, in making an adjustment for MVI's affiliated back-end (*i.e.*, assembly and test) costs, the Department should ensure that the quarterly back-end costs and transfer prices of different products within the same control number are weight-averaged.

The petitioner did not comment on this issue.

DOC Position: We agree with MVI. In calculating the adjustment for MVI's affiliated back-end costs, the Department utilized information from the verification exhibits and MVI's June 24, 1999 submission to ensure that costs for multiple products within the same control number were weight-averaged.

Comment 17: Marine Insurance. MVI states that it double-counted marine insurance expenses in its responses. MVI requests that the Department adjust the reported G&A expenses to correct for this duplication.

The petitioner did not comment on this issue.

DOC Position: We agree with MVI that marine insurance expenses have been double-counted as both a sales expense in its sales response and as a G&A expense in its cost response. For the final determination, the Department will deduct the marine insurance amount from MVI's G&A expenses to correct for this duplication.

Comment 18: Non-operating Expenses. MVI states that it is the Department's long standing policy not to include non-operating expenses that are unrelated to the production of subject merchandise. MVI argues that the dormitory depreciation and G&A building depreciation are clearly not related to production activities: the dormitory is used for housing students, interns, and guests, and the administrative building was dedicated to non-subject activities.

The petitioner asserts that it is appropriate for the Department to include MVI's non-operating expenses relating to the production of subject merchandise (*i.e.*, depreciation of the G&A building, and depreciation relating to the R&D building) to MVI's G&A expenses. The petitioner also claims that it is appropriate to include ProMOS's costs from the other miscellaneous expenses account that appear to be related to the production of subject merchandise.

DOC Position: In calculating the G&A rate, the Department's practice is to include certain expenses and revenues that relate to the general operations of the company as a whole, as opposed to including only those expenses that directly relate to the production of the subject merchandise. *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Round Wire from Taiwan*, 64 FR 17336, 17339 (April 9, 1999) (''*Wire from Taiwan*''); and *Notice of Final Results and Partial Recission of Antidumping Duty Administrative Review: Certain Pasta From Italy*, 64 FR 6615, 6627 (February 10, 1999) (''*Pasta From Italy*''). The CIT agreed with the Department that ''G&A costs, by definition, are period costs that relate to the company as a whole.'' *U.S. Steel Group* v. *United States*, 998 F. Supp. 1151 (CIT 1998). Accordingly, the G&A category covers a diverse range of items. Consequently, in determining whether it is appropriate to include or exclude a particular item from the G&A calculation, the Department reviews the nature of the G&A activity and the relationship between this activity and the general operations of the company. *See Wire from Taiwan*, 64 FR at 1733, and *Pasta From Italy*, 64 FR at 6627. The items at issue for both MVI and ProMOS, which include depreciation on the G&A and R&D buildings and losses on the sales of fixed assets, relate to the general operations of the respective company, and the Department has, therefore, included these expenses in MVI's and ProMOS's G&A expenses.

Comment 19: Clerical Errors. MVI notes an error in the Department's margin calculation program for the preliminary determination. In the cost test portion of the normal value calculation, the margin calculation program first attempts to match a given home market sale to the COP for that product for the same quarter. If there is no match in the COP file for that quarter, the margin calculation program searched for a match in the most recent previous quarter and the home market sale was designated as made in the earlier quarter. According to MVI, the error occurred when, at the end of the cost test, the designation was not changed back to the original quarter so that the appropriate sales price to sales price comparison could be made.

The petitioner does not dispute the presence of the error, but notes that the same problem exists in the matching of U.S. sales with CV.

DOC Position: We agree with MVI and petitioner and have made the necessary changes to the margin calculation program for the final determination so that the appropriate comparisons are made. We also discovered the same error in Vanguard's margin calculation

program and have made appropriate changes for the final determination so that the appropriate comparisons are made.

C. Nanya

Comment 20: Interest Income. Nanya states that its consolidated financial statement does not specifically address the nature of interest income on its income statement. Therefore, the company was unable to specifically identify the interest income which was short-term. As an alternative, Nanya suggests that the Department should calculate a short-term rate by comparing Nanya's liquid assets to total assets, and apply this ratio to Nanya's total interest income. Citing *Stainless Steel Sheet and Strip in Coils From the United Kingdom,* 64 FR 30688, 30710 (June 8, 1999) (''*Sheet and Strip From the United Kingdom*''), Nanya states that when a respondent is unable to specifically identify short-term interest income, it is the Department's practice to offset interest expenses by an amount of interest income equivalent to the ratio of current assets to total assets, given that the relationship of current assets to total assets is representative of the relationship of short-term interest income to total interest income.

The petitioner argues that Nanya's reliance on *Sheet and Strip From the United Kingdom* for the calculation of short-term interest expense is misplaced. The petitioner argues that this case did not involve a complete failure to verify submitted data. Rather, the respondent in that case demonstrated to the Department that it did not have access to that company's underlying interest income data. The petitioner argues that Nanya has made no claim that it could not obtain access to the relevant supporting information to calculate the actual amount of its parent's short-term interest income, and that Nanya, instead, stonewalled the Department's request for this specific information at verification. The petitioner requests that the Department make an adverse inference in selecting facts otherwise available regarding Nanya's financial expense. The petitioner further requests that the Department calculate Nanya's financial expense ratio by using all of its reported financial expenses, without any offset for short-term interest income.

DOC Position: We agree with the petitioner that Nanya failed to substantiate its claim that some of its interest income on its consolidated financial statement was from short-term sources. The Department specifically requested, in section VII of the Cost Verification Outline, that Nanya demonstrate how it arrived at its figures for short-term interest income. Although Nanya was well aware of the Department's requests at verification, the company did not provide any supporting documentation to substantiate its reported figures for short-term interest expense or income. As we noted in Nanya's Cost Verification Report at page 18, the company did not submit material at verification supporting its claim that some of its interest income on its consolidated financial statement was from short-term sources, and did not offer the Department supporting documentation for any other amounts claimed as financial expense offsets. The Department agrees with the petitioner that when a company cannot support the data reported in its response, the information is unverified and cannot be used to support a determination. Furthermore, we disagree with Nanya that *Sheet and Strip From the United Kingdom* supports its argument. In *Sheet and Strip From the United Kingdom*, the Department agreed to make an adjustment to the respondent's interest income figure because the respondent demonstrated that it did not have access to its parent company's underlying interest income data. Unlike that case, Nanya has made no claim that it could not obtain access to the relevant supporting information to calculate the actual amount of its parent's short-term interest income.

Given that Nanya was aware of the Department's request prior to verification, but did not demonstrate how it arrived at its reported figures, we have determined not to grant the short-term offset to its financial expenses. Rather, the Department has calculated Nanya's financial expense ratio using all of its reported financial expense, without any offset for interest income. *See Nanya Cost Calculation Memorandum* dated October 12, 1999. Consequently, the application of facts available does not apply because we are not allowing this offset, as the petitioner, in any case, requested.

Comment 21: Exchange Gains and Losses. The petitioner argues that Nanya was unable to provide any supporting documentation to verify its reported classification of its foreign exchange gains and losses. The petitioner believes that, in the context of this verification failure, the Department cannot rely on the amounts submitted by Nanya, and must, instead, apply facts available. The petitioner further argues that the Department should apply certain adverse assumptions concerning the nature of the reported foreign exchange gains and losses by treating all of Nanya's foreign exchange losses as related to production, and by treating all of the reported foreign exchange gains as unrelated to production, and not allowing any part of such gains to offset Nanya's general expenses.

Nanya explains that it was unable to demonstrate at verification that it correctly distributed the foreign exchange gains and losses to the proper cost elements because there was insufficient time to verify all elements of Nanya's cost response. Nanya argues that, although the Department did not examine Nanya's foreign exchange gains and losses, this should not lead the Department to question the validity of Nanya's categorization of those items. Nanya states that, even if the Department were to resort to facts available for the categorization of these items, the application of adverse inferences proposed by the petitioner is not justified in light of Nanya's cooperation in this proceeding and at verification. Nanya states that, when a party is cooperative, the Department will make its determinations by weighing the record evidence to determine what is most probative of the issue under consideration. *See* SAA at 869. Therefore, Nanya urges the Department that, even if it were necessary for the Department to resort to facts available, the most probative and accurate information on the record is the categorization of foreign exchange gains and losses reported by Nanya in its response.

DOC Position: We agree with the petitioner that Nanya failed to provide documentation substantiating its submitted figures for exchange gains and losses to the Department at verification. Sections VI and VII of the Nanya Cost Verification Outline specifically requested that Nanya provide documents necessary to reconcile the company's reported figures for exchange gains and losses, as noted in exhibit 20 of Nanya's April 14, 1999 submission. At Nanya's cost verification, the Department twice requested that Nanya account for its submitted figures for exchange gains and losses. *See Nanya Cost Verification Report* at 17–18. Moreover, to provide sufficient time to verify Nanya's cost responses, the Department officials agreed to extend the time period devoted to address this issue. Despite this opportunity, Nanya failed to substantiate, at verification, these reported figures.

In light of Nanya's failure to support its submitted figures for exchange gains and losses, the Department is required to treat these figures as unverified and,

as such, this data cannot be used for purposes of the final determination. Therefore, the Department is treating all of Nanya's foreign exchange losses as related to production, and all of the reported foreign exchange gains as unrelated to production or the general activities of the company as a whole, and thus we are not allowing any part of such gains to offset Nanya's G&A expenses. For a more detailed explanation, *see Cost Calculation Memorandum for Nanya* dated October 12, 1999.

Comment 22: Other Revenue. The petitioner states that it supports the Department's decision in the *Preliminary Determination* to adjust Nanya's reported G&A to exclude certain other revenue items as offsets to cost. These other revenue items include: other revenue-over estimated, material income, adjustment credits-claims income, gains on physical inventory and cash, gains on overseas employees' aids, returns on loss on price decline in inventory, and others.

Nanya disagrees with the petitioner. Nanya believes that excluding this revenue would be contrary to the Department's established practice, which permits offsets to G&A expenses for certain income earned from the company's production operations. As support for its position, Nanya cites *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Final Results of Antidumping Duty Administrative Review*, 63 FR 32832, 32838 (June 16, 1998) (''*Circular Welded Pipe from Korea*'').

DOC Position: We agree with Nanya that the Department permits offsets to G&A expenses for miscellaneous income earned from a company's general production operations. As we explained in *Circular Welded Pipe from Korea*, 63 FR at 32832, we permit offsets to G&A expenses for income earned from the company's production operations. Therefore, we have allowed, in part, the other revenue items listed in exhibit 16 of Nanya's April 14, 1999, response as an offset to G&A expenses because these revenue items are considered income earned from the company's general operations. We note, in particular, that the item listed ''return on loss on price decline in inventory'' represents the company's normal accounting treatment for the lower of cost or market provision adjustment to raw materials, WIP and finished goods inventory. In its normal books and records, Nanya includes the lower of cost or market write-down of its raw material, WIP and finished goods inventories as an element on its income statement and records a provision account on its balance sheet. In the following period, when items are used in production or are sold, the provision and the historical cost of those items are reflected on the income statement of that year. Because both raw material and WIP inventories are inputs into the cost of manufacturing the subject merchandise, any inventory write-downs or recognition of inventory write-down provisions should be included in determining the reported costs. *See Notice of Final Determination of Sales Less Than Fair Value: Stainless Steel Wire Rod from Italy*, 63 FR 40422, 40430, (July 29, 1998). We did not include the write-down of finished goods, which is, conversely, more closely associated with the sale of the merchandise rather than the production of the merchandise. For the computation of this specific item, we included only the provision associated with raw materials and WIP inventories. Therefore, we allowed, in part, the other revenue items in Nanya's submission as an offset to G&A expenses.

D. Vanguard

Comment 23: Misreported and Unreported Home Market Sales. The petitioner asserts that the Department's discovery of numerous errors by Vanguard in the reporting of its home market sales at verification warrants an adverse inference in the application of facts otherwise available. The petitioner states that, as adverse facts available, the Department should leave certain home market sales that, in fact, are export sales, in Vanguard's home market database, and use the unadjusted gross unit price of these sales in the calculation of NV. The petitioner further states that, as adverse facts available, the Department should allocate the value of an unreported home market sale over all of Vanguard's sales to this customer, which results in an increase in the gross unit price of these sales.

Vanguard refutes the petitioner's argument, stating that the Department should not apply facts available because Vanguard may have misreported certain sales with ultimate destinations in third countries as home market sales. Vanguard states that it reported all sales that it shipped to addresses in Taiwan as home market sales. Vanguard states that it does not know whether the merchandise shipped to customers in Taiwan would be sold domestically or consumed in Taiwan before exportation, adding that the sales at issue could have been substantially transformed in Taiwan before reshipment. Vanguard further argues that it cannot be expected to have investigated all of the potential ultimate destinations for its many home market transactions. Vanguard states that its cooperation in this investigation does not meet the standard for the application of adverse facts available, and if the Department determines that certain sales shipped to customers in Taiwan should not be designated as home market sales, the Department should simply eliminate the sales in question from the home market database.

DOC Position: We agree with Vanguard that Vanguard's misreporting of home market sales does not warrant the application of adverse facts available. Vanguard's actions in this investigation do not meet any of the criteria for the application of facts available under section 776(a) of the Act. Vanguard simply reported the sales of all merchandise that it produced and shipped to customers in Taiwan as home market sales, and thereby inadvertently included certain third country sales in its database. We also note that, as reported, these sales raise Vanguard's dumping rate, a result that appears to support Vanguard's claim that the inclusion of these sales was an oversight.

At verification, the Department discovered that Vanguard knew, or should have known, at the time of sale that certain sales that Vanguard shipped to customers in Taiwan were ultimately destined, without further processing, for customers in third countries (due to the proprietary nature of this issue, for further details, *see* Memorandum on Whether Certain Sales that Vanguard International Semiconductor Corporation Reported as Home Market Sales are Export Sales dated October 12, 1999).

Section 773(a)(1)(B)(i) of the Act, and section 351.404(c)(i) of the Department's regulations, provides that, if the exporting country constitutes a viable market, normal value shall be based on the price in the exporting country. Since, in this investigation, we are basing normal value for Vanguard on the price in the exporting country, Taiwan, we are excluding from the calculation of NV those sales that Vanguard knew, or should have known, at the time of sale were ultimately destined for customers outside of Taiwan and inadvertently included in its home market sales database. *See Final Determination of Sales at Less Than Fair Value: Canned Pineapple Fruit From Thailand*, 60 FR 29553 (June 5, 1995) and *Final Determination at Sales at Less than Fair Value: Stainless Steel Plate in Coil from Belgium*, 64 FR 15476, 15482 (March 31, 1999) (The Department excluded third country sales that the respondent inadvertently included in its home market database).

We also disagree with the petitioner that we should apply adverse facts available to an unreported home market sale. Although Vanguard failed to report this sale, even if properly reported, this sale would not be used as a match for any of Vanguard's U.S. sales, and has an insignificant effect on our calculations.

We also note that our exclusion of the third country sales from our calculation of normal value does not call into question the completeness of Vanguard's sales reporting. We verified that Vanguard reported all sales that it produced and shipped to destinations in Taiwan as home market sales. Vanguard only failed to report two insignificant sales of subject merchandise that it purchased from other companies, and shipped to customers in Taiwan.

Comment 24: Lower of Cost or Market. Vanguard contends that its inventory adjustment for the lower of cost or market should not be included in the company's reported cost of manufacturing. Citing *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from France et al.,* 62 FR 2081, 2117–18 (Jan. 15, 1997) (''*Antifriction Bearings from France*'') in support of its argument, Vanguard presents the adjustment as a ''provisional reduction-in-inventory value'' in anticipation of lower sales revenues which should not be regarded as an actual or realized cost.

Vanguard states that the lower of cost or market adjustment is recorded on an aggregate basis and is not reflected in the unit standard costs. Therefore, according to Vanguard, the full cost of manufacturing the subject merchandise was reported as products entered the finished goods inventory. Vanguard further contends that the recognition of the loss in the COGS portion of the income statement reflects the loss in value of a balance sheet item, not the occurrence of a realized cost. Vanguard stresses that these adjustments are ''post-production'' and including them in the reported costs would, in effect, double-count the costs of manufacturing.

The petitioner counters that the lower of cost or market adjustments excluded from the cost of manufacturing in *Antifriction Bearings from France* were ''not a realized expense, and were not reflected in their accounting of costs of goods in inventory.'' The petitioner suggests that the inclusion of Vanguard's COGS on its financial statements indicates that the adjustment also should be included in Vanguard's reported costs. The petitioner argues that the revaluation of inventory is an early recognition of the loss the company expects to experience on the future sale of the product due to the changes in market conditions. The fact that the write-down of inventory costs arose ''post-production,'' the petitioner states, does not eliminate it as an actual COP.

DOC Position: We agree in part with the petitioner that the lower of cost or market adjustments made by Vanguard during the period of investigation should be included in the reported costs. Consistent with section 773(f)(1)(A) of the Act, it is the Department's practice to rely upon a company's normal books and records where they are prepared in accordance with the home country's GAAP and reasonably reflect the cost of producing and selling the subject merchandise. We found that Vanguard includes, in its normal books and records, the write-downs of its raw material, WIP and finished goods inventories as an element of its current costs per its financial statements. However, we discovered that these adjustments were not reflected in Vanguard's reported costs.

Additionally, because both raw material and WIP inventories are inputs into the cost of manufacturing the subject merchandise, any write-downs of these amounts should be included in determining the reported costs. *See Notice of Final Determination of Sales Less Than Fair Value: Stainless Steel Wire Rod from Italy,* 63 FR 40422, 40430 (July 29, 1998). The write-down of finished goods, conversely, is more closely associated with the sale of the merchandise, rather than the production of the merchandise. When finished goods are written down, the merchandise has already been fully manufactured and fully costed in the COM statement. The inventory valuation is simply being adjusted to reflect a market value which is below COP. Thus, the company is currently expensing the anticipated loss in revenues from the future sale of these goods. Since the full cost of the finished goods has already been included in COM prior to the adjustments, it is appropriate to exclude the write-down for finished goods from the reported costs. Therefore, for our cost calculations, we included only the write-down provision associated with raw materials and WIP inventories.

Comment 25: Standard Cost Revaluation. Vanguard states that the standard cost revaluations constitute adjustments to the standard costs only and do not affect the actual manufacturing costs recorded on the books. Vanguard emphasizes that the manufacturing variance (*i.e.,* actual cost less standard cost) absorbs the differences resulting from the revalued standards. Because the revaluation adjustment is reflected in a more favorable or unfavorable variance being applied to the standard costs in obtaining actual costs, Vanguard argues that adding the adjustment to the derived actual costs would inflate the cost of manufacturing.

Vanguard acknowledges that, under a standard cost system, the inclusion of the standard cost revaluation is necessary to compute the actual COGS on the income statement, but maintains that the adjustment is not a component of the actual cost of manufacturing. Vanguard contends that the standard COGS must be adjusted by both the manufacturing variance and the revaluation amount to derive the actual COGS. However, Vanguard continues, the revaluations are not adjustments to actual costs and including them in the actual cost of manufacturing would overstate actual costs.

The petitioner argues that the standard cost revaluations should be included in the reported costs, and points to the fact that the revaluation amount appears on Vanguard's financial statements. The petitioner further comments that deducting the revaluation amount from the COGS to derive the actual cost of manufacturing is in effect saying that the costs on the financial statements were overstated to Vanguard's shareholders. The petitioner emphasizes that because the standard cost revaluations are added to standard COGS in achieving actual COGS, these costs constitute an element of actual cost and should not be excluded from reported costs. The petitioner concludes that, in performing the overall cost reconciliation, the COGS presented on Vanguard's financial statements should only be adjusted for changes in inventory, costs reported in the sales files, non-subject merchandise and ''third-country-only'' sales in arriving at total reported costs.

DOC Position: We agree in part with the petitioner that the standard cost revaluation should be included in the reported costs. Due to expected cost decreases, Vanguard revalues its standard costs of production on a quarterly basis. The new standards are employed not only for the current product-specific manufacturing costs, but also for revaluation of the raw materials inventories and the WIP and finished goods inventories manufactured in previous quarters. Because the new standards are utilized in current production, this revaluation has no impact on the computation of the variance (*i.e.,* current standard costs of manufacturing minus current actual

costs). Therefore, the production costs incurred currently, which have been reported at standard plus variance, result in an actual cost. However, current actual manufacturing costs must be adjusted for beginning and ending WIP inventory values in deriving a period's COMs. Along with raw materials, beginning WIP is essentially a ''raw material'' or input into the finished products manufactured during the period and, as a result, must be included in the cost of manufacturing the goods produced during the POI. This is why there is a reconciliation difference between costs reflected on the company's audited financial statements and those reported to the Department. Based on the record evidence, the ending WIP for each quarter is revalued at the beginning of the ensuing quarter. Because WIP and raw materials have been ''revalued,'' the values for these inputs are incorrectly stated. As noted previously, the restatement of WIP is not factored into the variance computation and was not noted elsewhere in the submitted costs for COP and CV. Thus, the writedown of WIP and raw materials must be included in the respective beginning inventory values to result in the actual cost of the inputs consumed (*i.e.*, the beginning WIP and raw material inventory amounts). Regarding the standard cost revaluation adjustments to the finished goods inventories, we agree with Vanguard that these adjustments are made post-production and should not be included in the reported costs.

Comment 26: Use of Higher of Cost or Transfer Price for Affiliated Subcontractor. The petitioner states that the Department's rule for valuing major inputs from affiliated suppliers at the higher of cost or transfer price should be exercised for the transactions involving Vanguard's affiliated assembly contractor. Vanguard did not address this issue in its briefs.

DOC Position: We agree with the petitioner that the transactions involving Vanguard's affiliated assembly contractor should be reported in accordance with the major input rule, pursuant to section 773(f)(3) of the Act and section 351.407(b) of the Department's regulations. Accordingly, for the final determination, we valued the assembly transactions between Vanguard and the affiliated supplier at the highest of the transfer price between the affiliates, the affiliated supplier's actual COP, or the market price.

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of subject merchandise from Taiwan that are entered, or withdrawn from warehouse, for consumption on or after May 28, 1999 (the date of publication of the preliminary determination in the **Federal Register**). The Customs Service shall continue to require a cash deposit or posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. These suspension of liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin (percent)	Weighted-average per megabit rate
Etron Technology, Inc	69.00	$0.40
Mosel-Vitelic, Inc.	35.58	0.12
Nan Ya Technology Corporation	14.18	0.02
Vanguard International Semiconductor Corp.	8.21	0.01
All Others	21.35	0.04

Pursuant to section 735(c)(5)(A) of the Act, the Department has excluded any margins determined entirely under section 776 of the Act from the calculation of the ''All Others Rate.''

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury, or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered for consumption on or after the effective date of the suspension of liquidation.

This determination is issued and published pursuant to sections 735(d) and 777(i) of the Act.

Dated: October, 12, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–27294 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–331–602]

Certain Fresh Cut Flowers From Ecuador: Final Results of Changed-Circumstances Antidumping Duty Administrative Review; Revocation of Order; Termination of Administrative Reviews

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

ACTION: Notice of final results of changed-circumstances antidumping duty administrative review, revocation of antidumping duty order, and termination of administrative reviews.

SUMMARY: On September 9, 1999, the Department of Commerce published a notice of initiation of a changed-circumstances antidumping duty administrative review and preliminary results of review with intent to revoke the order on certain fresh cut flowers from Ecuador. We are now revoking this order, retroactive to March 1, 1997, based on the fact that domestic interested parties no longer have an interest in maintaining the antidumping duty order.

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Suzanne Flood or Edythe Artman, Office of AD/CVD Enforcement, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230; telephone (202) 482–0665 or (202) 482–3931, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations codified at 19 CFR part 351 (1998).

Background

On August 27, 1999, Timothy Haley, president of the Floral Trade Council (FTC), the FTC, and the FTC's Committees on Standard Carnations, Standard Chrysanthemums, and Pompom Chrysanthemums (the Committees) requested that the Department conduct a changed-circumstances administrative review to revoke the antidumping duty order on certain fresh cut flowers from Ecuador, retroactive to March 1, 1997. The FTC and the Committees stated that they no longer have an interest in maintaining the antidumping duty order.

We preliminarily determined that the affirmative statement of no interest by the FTC and the Committees constituted changed circumstances sufficient to warrant revocation of this order. On September 9, 1999, we published a notice of initiation of a changed-circumstances antidumping duty administrative review and preliminary results of review with intent to revoke the order (64 FR 48981). We invited interested parties to comment on the preliminary results of this changed-circumstances review.

The only comment that we received was a September 23, 1999, statement from Expoflores, an association of Ecuadorian flower producers and exporters, Claveles de la Montana, S.A., Floricultura Ecuaclavel S.A., Agritab Cia. Ltda., Florisol Cia. Ltda., and Flores del Quinche S.A. (The five companies are respondents in the administrative review covering the period March 1, 1997, through February 28, 1998.) In this statement, these parties expressed their support for the changed-circumstances review and requested that the Department revoke the order with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after March 1, 1997.

Scope of Review

The products covered by this changed-circumstances review are certain fresh cut flowers from Ecuador including standard carnations, standard chrysanthemums, and pompon chrysanthemums. These products are currently classifiable under item numbers 0603.10.70.10, 0603.10.70.20, and 0603.10.70.30, respectively, of the Harmonized Tariff Schedule of the United States (HTSUS). Although the HTSUS item numbers are provided for convenience and customs purposes, the Department's written description of the scope remains dispositive.

The changed-circumstances review covers all producers and exporters of certain fresh cut flowers from Ecuador.

Final Results of Changed-Circumstances Antidumping Duty Administrative Review; Revocation of Order

Pursuant to section 751(d)(1) of the Act, the Department may revoke, in whole or in part, an antidumping duty order based on a review under section 751(b) of the Act (*i.e.,* a changed-circumstances review). Section 751(b)(1) of the Act requires that a changed-circumstances administrative review be conducted upon receipt of a request containing sufficient information concerning changed circumstances. The Department's regulations at 19 CFR 351.216(d) require the Department to conduct a changed-circumstances administrative review in accordance with 19 CFR 351.221 if it decides that changed circumstances exist that are sufficient to warrant a review. Section 782(h)(2) of the Act and § 351.222(g)(1)(i) of the Department's regulations provide further that the Department may revoke an order, in whole or in part, if it concludes that the order under review is no longer of interest to domestic interested parties.

The FTC and its Committees are domestic interested parties as defined by section 771(9)(E) of the Act and 19 CFR 351.102(b). Based on the affirmative statement by the FTC and the Committees of no interest in the continued application of the order and based on the fact that no other domestic interested parties objected to or otherwise commented on our preliminary results of this review, we determine that there are changed circumstances sufficient to warrant revocation of the order. Therefore, the Department is revoking the antidumping duty order on certain fresh cut flowers from Ecuador, retroactive to March 1, 1997.

In accordance with 19 CFR 351.222(g)(4), we will instruct the Customs Service to end the suspension of liquidation and to refund any estimated antidumping duties collected for all unliquidated entries of certain fresh cut flowers from Ecuador entered or withdrawn from warehouse on or after March 1, 1997. We will also instruct the Customs Service to pay interest on such refunds in accordance with section 778 of the Act.

Termination of Administrative Reviews

As the result of the revocation, the Department is terminating the administrative reviews covering the following periods: March 1, 1997, through February 28, 1998 (initiated on April 24, 1998 (63 FR 20378)); March 1, 1998, through February 28, 1999 (initiated on April 30, 1999 (64 FR 23269)).

This changed-circumstances administrative review, revocation of the antidumping duty order, termination of administrative reviews, and notice are in accordance with sections 751(b), 751(d) and 782(h)(2) of the Act and 19 CFR 351.216 and 351.222.

Dated: October 13, 1999.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 99–27293 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India; Notice of Extension of Time Limit for New Shipper Review

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

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce is extending the time limit for the final results of the new shipper review of the antidumping duty order on stainless steel bar from India. The period of review is February 1, 1998 through July 31, 1998. This extension is made pursuant to section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act.

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Zak Smith, Office 1, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–0189.

SUPPLEMENTARY INFORMATION: Because this case is extraordinarily complicated, the Department of Commerce (''the Department'') is extending the time

limit for completion of the final results to not later than January 15, 2000, in accordance with section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act (''the Act''). *See* September 20, 1999, Memorandum from Richard W. Moreland to Robert LaRussa on file in the public file of the Central Records Unit, B–099 of the Department.

We are issuing and publishing this notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: September 21, 1999.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 99–27161 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Overseas Trade Missions; Invitation to U.S. Companies

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce invites U.S. companies to participate in the following overseas trade missions that they also explain at the following website: http://www.ita.doc.gov/doctm. For a comprehensive description of the trade mission, obtain a copy of the mission statement from the project officer listed below. The recruitment and selection of private sector participants will be conducted according to the Statement of Policy Governing Department of Commerce Overseas Trade Missions announced by Secretary Daly on March 3, 1997.

The Conference on Southeast Europe: Commercial Opportunity and Partnership: Sofia, Bulgaria, November 1–2, 1999

For Further Information Contact: Sam Kozloff at the Department of Commerce. Telephone number 202–482–1599 or FAX 202–482–3159.

Defense Trade Mission 2000, The Hague, Netherlands and Brussels, Belgium, February 1–3, 2000

For Further Information Contact: Sam Kozloff at the Department of Commerce. Telephone number: 202–482–1599 or FAX number: 202–482–3159.

FOR FURTHER INFORMATION CONTACT: April Stockfleet at the U.S. Department of Commerce, telephone 202–482–1599 or FAX 202–482–3159.

Dated: October 14, 1999.

John Klingelhut,

Director, Office of Public/Private Initiatives.

[FR Doc. 99–27295 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–FP–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 091799F]

Nominations for Recovery Science Review Panel To Guide Recovery Planning Process for Pacific Anadromous Salmonid Species

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

ACTION: Notice of request for nominations.

SUMMARY: The National Marine Fisheries Service (NMFS) is ready to begin formal recovery planning for Evolutionarily Significant Units (ESUs) of Pacific anadromous salmonid species listed as threatened or endangered species under the U.S. Endangered Species Act (ESA). The scope of this recovery planning effort will encompass listed ESUs in Washington, Oregon, Idaho, and California. This notice is a solicitation for nominations to a Recovery Science Review Panel to guide the technical and scientific aspects of the recovery planning process and ensure its consistency and scientific credibility.

DATES: Nominations must be received on or before December 3, 1999.

ADDRESSES: Nominations should be sent to Office of Science and Technology, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 ATTN: Salmonid Recovery Panel.

FOR FURTHER INFORMATION CONTACT: M. Elizabeth Clarke, Office of Science and Technology, NMFS, (301)713-2363.

SUPPLEMENTARY INFORMATION: NMFS will soon begin formal recovery planning for over 20 ESUs of Pacific anadromous salmonid species listed under the ESA over the past several years. Formal ESA recovery efforts that are already underway for listed Snake River and Sacramento River populations may eventually be integrated into this process. NMFS will establish Technical Recovery Teams for discrete geographic areas, or domains. The Technical Recovery Teams will be responsible for establishing delisting criteria and recovery goals for listed anadromous salmonid species within their domain. To facilitate this complex recovery planning process and ensure its consistency and scientific credibility, NMFS intends to establish a single Recovery Science Review Panel (the Panel) which will advise the Northwest and Southwest Region's Science Directors.

While the Technical Recovery Teams will work independently, the Panel will provide scientific guidance and review the Teams' processes and products. The Panel will consist of 3-5 highly qualified and independent scientists and will perform the following functions:

1. Review the credentials of candidates nominated for Technical Recovery Teams to determine if they meet established criteria for technical expertise. NMFS will select the teams from the qualified candidates;

2. Review core principles and elements of the recovery planning process being developed by the NMFS;

3. Ensure that well-accepted and consistent ecological and evolutionary principles form the basis for all recovery efforts;

4. Review processes and products of all Technical Recovery Teams for scientific credibility and to ensure consistent application of core principles across ESUs and recovery domains;

5. Oversee peer review for all recovery plans and appropriate substantial intermediate products.

Candidates for this Panel should:

1. Be scientists of international reputation who have a distinguished record of scientific accomplishment in the fields of ecology, evolutionary biology, conservation biology, fisheries biology, or salmon biology.

2. Have held positions of scientific leadership during their career.

3. Have demonstrated fairness and cooperation during their career.

4. Meet National Research Council standards for independence and conflict of interest.

Initial terms shall be 3 years for the Recovery Science Review Panel. Before completion of the final year, and after considering workloads, other commitments, and future needs for recovery planning, members' terms will be reviewed and adjusted (as appropriate) to provide for a staggering of termination dates. We anticipate that fulfilling the responsibilities of the Panel will require approximately a 10-15 percent time commitment (2-3 days per month) from Panel members. Panel members will be compensated for their time and expenses.

Due to the Panel's role in NMFS' development of recovery plans, NMFS considers the Panel to be a ''recovery

team'' under ESA 4(f)(2), 16 U.S.C. 1533 (f)(2).

NMFS is seeking the most highly qualified individuals to serve on this Panel, which will be charged with providing scientific guidance to the most ambitious application of conservation biology principles to a real-world natural resource problem. We encourage submissions from all interested parties, including scientific societies, academic institutions, existing regional scientific panels, tribes, states, and other salmon co-managers and stakeholders, environmental groups, and federal agencies.

Each submission should include the submitting person or organizations's name and affiliation, a detailed Curriculum Vitae of nominee, and supporting letter(s) describing the qualifications of the nominee to serve on this Panel. Self nominations are acceptable.

Nominations should be sent to (see **ADDRESSES**) and nominations must be received by (see **DATES**).

Dated: October 13, 1999.

William W. Fox Jr.,

Director, Office of Science and Technology, National Marine Fisheries Service.

[FR Doc. 99–27255 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101499C]

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of emergency public meeting.

SUMMARY: The Pacific Fishery Management Council's (Council) Groundfish Management Team (GMT) will hold an emergency working meeting which is open to the public.

DATES: The GMT working meeting will begin Monday, October 25, 1999, at noon and may go into the evening until business for the day is completed. The meeting will reconvene from 8:00 a.m. to 5:00 p.m., Tuesday, October 26, 1999.

ADDRESSES: The meeting will be held at the NMFS Alaska Fisheries Science Center, 7600 Sand Point Way NE, Room 2079, Building 4, Seattle, WA 98115, telephone: 206–526–4250.

Council address: Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Jim Glock, Groundfish Fishery Management Coordinator; telephone: 503–326–6352.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to complete unfinished business from the recent meeting that was held in Portland, OR. Specifically, the GMT will complete the analysis of potential management measures for the year 2000 groundfish fisheries and prepare technical advice for the upcoming Council meeting.

Although non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal Council action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. John Rhoton at 503–326–6352 at least 5 days prior to the meeting date.

Dated: October 14, 1999.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 99–27233 Filed 10–14–99; 3:33 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

DEPARTMENT OF THE INTERIOR

U.S. Fish and Wildlife Service

[I.D. 092799D]

Marine Mammals; File No. 930–1486

AGENCIES: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; U.S. Fish and Wildlife Service (FWS), Interior.

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the U.S. Geological Survey, Biological Resources Division, Western Ecological Research Center, 6924 Tremont Road, Dixon, CA 95620, has been issued an amended permit to take sea otters for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001); and

U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Arlington, VA 22203 (1–800–358–2104).

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713–2289.

SUPPLEMENTARY INFORMATION: On March 29, 1999, notice was published in the **Federal Register** (64 FR 14886) that a request for a scientific research permit to take various species of marine mammals, including sea otters, had been submitted by the above-named organization. The original permit did not authorize the take of sea otters, but has been amended to include sea otters. The requested permit, as amended, has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Issuance of this permit, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: October 8, 1999.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

Dated: October 5, 1999.

Kristen Nelson,

Acting Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service.

[FR Doc. 99–27168 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–22–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

October 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 22, 1999.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 67046, published on December 4, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 30, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on October 22, 1999, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Sublevels in Group I	
200	775,577 kilograms.
317/326	23,300,074 square meters of which not more than 4,457,763 square meters shall be in Category 326.
340	840,767 dozen of which not more than 416,495 dozen shall be in Category 340–Z [2].
341	742,403 dozen of which not more than 433,069 dozen shall be in Category 341–Y [3].
342	290,806 dozen.
347/348	2,464,000 dozen.
350	177,251 dozen.
351	593,511 dozen.
352	1,742,694 dozen.
359–C [4]	659,217 kilograms.
360	8,390,603 numbers of which not more than 5,776,689 numbers shall be in Category 360–P [5].
361	4,562,780 numbers.
369–D [6]	5,076,093 kilograms.
435	26,936 dozen.
438	28,511 dozen.
445/446	309,287 dozen.
447	74,159 dozen.
636	596,719 dozen.
638/639	2,580,152 dozen.
640	1,456,103 dozen.
642	364,619 dozen.
644/844	3,961,702 numbers.
647	1,649,820 dozen.
648	1,212,123 dozen.
649	1,013,292 dozen.
651	824,813 dozen of which not more than 144,468 dozen shall be in Category 651–B [7].
659–S [8]	656,611 kilograms.
666	3,836,539 kilograms of which not more than 1,351,367 kilograms shall be in Category 666–C [9].
836	304,297 dozen.
Group IV	
832, 834, 838, 839, 843, 850–852, 858 and 859, as a group.	12,642,199 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

[2] Category 340–Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

[3] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

[4] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[5] Category 360–P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.

[6] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[7] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

[8] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[9] Category 666–C: only HTS number 6303.92.2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–27270 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Wool Textile Products Produced or Manufactured in Costa Rica

October 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: October 21, 1999.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Category 443 is being increased for carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 70107, published on December 18, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 14, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Costa Rica and exported during the twelve-month period which began on January 1, 1999 and extends through December 31, 1999.

Effective on October 21, 1999, you are directed to increase the current limit for Category 443 to 230,933 numbers [1], as provided for under the Uruguay Round Agreement on Textiles and Clothing. The guaranteed access level for Category 443 remains unchanged.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–27268 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DR–F

[1] The limit has not been adjusted to account for any imports exported after December 31, 1998.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Announcement of an Import Restraint Limit and Guaranteed Access Level for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in El Salvador

October 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs establishing an import limit and guaranteed access level.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The import restraint limit and Guaranteed Access Level for textile products in Categories 340/640, produced or manufactured in El Salvador and exported during the period January 1, 2000 through December 31, 2000 are based on limits notified to the Textiles Monitoring Body pursuant to the Uruguay Round Agreement on Textiles and Clothing (ATC).

In the letter published below, the Chairman of CITA directs the Commissioner of Customs to establish the limit and guaranteed access level for 2000.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Information regarding the 2000 CORRELATION will be published in the **Federal Register** at a later date.

Requirements for participation in the Special Access Program are available in **Federal Register** notice 63 FR 16474, published on April 3, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: Pursuant to section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended; and the Uruguay Round Agreement on Textiles and Clothing (ATC), you are directed to prohibit, effective on January 1, 2000, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton and man-made fiber textile products in Categories 340/640, produced or manufactured in El Salvador and exported during the twelve-month period beginning on January 1, 2000 and extending through December 31, 2000, in excess of 1,346,540 dozen.

The limit set forth above is subject to adjustment pursuant to the provisions of the ATC and administrative arrangements notified to the Textiles Monitoring Body.

Products in Categories 340/640 exported during 1999 shall be charged to the applicable category limit for that year (see directive dated December 14, 1998) to the extent of any unfilled balance. In the event the limit established for that period has been exhausted by previous entries, such products shall be charged to the limit set forth in this directive.

Also pursuant to the ATC, and under the terms of the Special Access Program, as set forth in 63 FR 16474 (April 3, 1998), effective on January 1, 2000, a guaranteed access level of 1,000,000 dozen is being established for properly certified textile products in Categories 340/640 assembled in El Salvador from fabric formed and cut in the United States which are re-exported to the United States from El Salvador during the period beginning on January 1, 2000 and extending through December 31, 2000:

Any shipment for entry under the Special Access Program which is not accompanied by a valid and correct certification in accordance with the provisions of the certification requirements established in the directive of January 6, 1995 (60 FR 2740), as amended, shall be denied entry unless the Government of El Salvador authorizes the entry and any charges to the appropriate specific limit. Any shipment which is declared for entry under the Special Access Program but found not to qualify shall be denied entry into the United States.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–27267 Filed 10-18-99; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

October 13, 1999.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: October 21, 1999.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 63 FR 71096, published on December 23, 1998). Also see 63 FR 63032, published on November 10, 1998.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

October 13, 1999.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 4, 1998, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the period which began on January 1, 1999 and extends through December 31, 1999.

Effective on October 21, 1999, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
340/640	1,425,143 dozen.
347/348	1,980,833 dozen.
351/651	338,043 dozen.
443	77,366 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1998.

The guaranteed access levels for the above categories remain unchanged.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 99–27269 Filed 10–18–99; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

Inland Waterways Users Board

AGENCY: Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with 10(a)(2) of the Federal Advisory Committee Act, Public Law (92–463) announcement is made of the next meeting of the Inland Waterways Users Board. The meeting will be held on November 3, 1999, in Washington, DC at the Holiday Inn On The Hill, 415 New Jersey Avenue, NW, Washington, DC 20001, (Tel. 800–638–1116 or 202–638–1616). Registration will begin at 1 pm and the meeting is scheduled to adjourn at 4:15 pm. The meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee.

FOR FURTHER INFORMATION CONTACT: Mr. Norman T. Edwards, Headquarters, U.S. Army Corps of Engineers, CECW–PF, Washington, DC 20314–1000.

SUPPLEMENTARY INFORMATION: None.

Gregory D. Showalter,

Army Federal Register Liaison Officer.

[FR Doc. 99–27190 Filed 10–18–99; 8:45 am]

BILLING CODE 3710–92–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Redesignation of Environmental Impact Statement as Environmental Assessment

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Navy's intent to prepare an Environmental Impact Statement (EIS) is hereby withdrawn for the following: Disposal and Reuse of Naval Undersea Warfare Center (NUWC), New London, Connecticut. Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR Parts 1500–1508), the Department of the Navy published a Notice of Intent to prepare an EIS for the Disposal and Reuse of NUWC New London, Connecticut, in the **Federal Register** on May 5, 1997.

The Navy has reviewed the proposed Reuse Plan prepared for the NUWC New London site by the New London Development Corporation (NLDC). The Reuse Plan proposes two prominent land uses for the site including a State park and residential/hotel and conference center. The US Coast Guard and a small Navy function will remain on the site. During the analysis of impacts expected from implementation of the Reuse Plan, it has been determined that the unmitigated impacts will not be significant. Accordingly, the Navy has prepared an Environmental Assessment (EA) rather than an EIS for this disposal and reuse action. The EA was mailed to elected officials, state and local agencies, special interest groups and interested citizens on August 30, 1999. This notice announces to the public that this EIS has been redesignated as an EA.

FOR FURTHER INFORMATION CONTACT: Mr. Bob Ostermueller, Northern Division, Naval Facilities Engineering Command, telephone (610) 595–0795, fax (610) 595–0778, or e-mail: rkostermueller@efdnorth.navfac.navy.mil.

Dated: October 14, 1999.

J.L. Roth,

Lieutenant Commander, Judge Advocate General's Corps, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 99–27254 Filed 10–18–99; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 4, 1999; 6 p.m.–9:30 p.m.

ADDRESSES: College Hill Library, (Front Range Community College), 3705 West 112th Avenue, Westminster, CO 80021.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, Rocky Flats Citizens Advisory Board, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855; fax (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

1. Presentation on and discussion of 2006 Baseline.
2. Update by Kaiser-Hill on waste/materials disposition.
3. Update on SSAB stewardship workshop to be held at Oak Ridge.
4. Election of officers and membership term renewals.
5. Other Board business may be conducted as necessary.

Public Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of operation for the Public Reading Room are 9 a.m. to 4 p.m., Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the address or telephone number listed above.

Issued at Washington, DC on October 14, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–27245 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Hanford

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Hanford Site. The Federal Advisory Committee Act (Pub. L. No. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, November 4, 1999: 9 a.m.–5 p.m.; Friday, November 5, 1999: 8:30 a.m.–4 p.m.

ADDRESSES: Tower Inn, 1515 George Washington Way, Richland, WA, ph: 509–946–4121.

FOR FURTHER INFORMATION CONTACT: Gail McClure, Public Involvement Program Manager, Department of Energy Richland Operations Office, P.O. Box 550 (A7–75), Richland, WA 99352; Ph: (509) 373–5647; Fax: (509) 376–1563.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda:

—Current Management Re-organization at DOE Richland, DOE Office of River Protection, and the Project Hanford Management Contract.
—Tri-Party Agreement.
—Updates: Site Specific Advisory Board Chairs Meeting in September, Hanford Advisory Board Executive Meeting with Dr. Huntoon, Health of the Site, Stewardship Meeting in Oak Ridge, October 27, 1999.
—Informal Exchange and Discussion on Fast Flux Test Facility (FFTF).

Participation: The meeting is open to the public. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Gail McClure's office at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided equal time to present their comments.

Minutes: The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9 a.m. and 4 p.m., Monday–Friday, except Federal holidays. Minutes will also be available by writing to Gail McClure, Department of Energy, Richland Operations Office, P.O. Box 550, Richland, WA 99352, or by calling her at (509) 373–5647.

Issued at Washington, DC on October 14, 1999.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 99–27246 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket Nos. FE C&E 99–22, C&E 99–23, C&E 99–24 & C&E 99–25, Certification Notice—180]

Office of Fossil Energy; Notice of Filings of Coal Capability of Calpine Construction Finance Co., L.P., Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Calpine Construction Finance Co., L.P., has submitted four coal capability self-certifications pursuant to

section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: Calpine Construction Finance Company, L.P. (C&E 99–22).

Operator: Calpine Corporation.

Location: Mohave Valley, AZ.

Plant Configuration: Gas-fired, combined-cycle.

Capacity: 545 MW.

Fuel: Natural gas.

Purchasing Entities: To be determined.

In-Service Date: May 1, 2001.

Owner: Calpine Construction Finance Company, L.P. (C&E 99–23).

Operator: Calpine Eastern Corporation.

Location: Westbrook, ME.

Plant Configuration: Gas-fired, combined-cycle.

Capacity: 545 MW.

Fuel: Natural gas.

Purchasing Entities: To be determined.

In-Service Date: January 1, 2001.

Owner: Calpine Construction Finance Company, L.P. (C&E 99–24).

Operator: Calpine Corporation.

Location: Yuba City, CA.

Plant Configuration: Gas-fired, combined-cycle.

Capacity: 545 MW.

Fuel: Natural gas.

Purchasing Entities: To be determined.

In-Service Date: April 1, 2001.

Owner: Calpine Construction Finance Company, L.P. (C&E 99–25).

Operator: Calpine Central, L.P.

Location: Edinburg, Hidalgo County, TX.

Plant Configuration: Gas-fired, combined-cycle.

Capacity: 730 MW.

Fuel: Natural gas.

Purchasing Entities: 250–400 MW will be sold to Magic Valley Electric Cooperative, Inc. Sale of balance of output to be determined.

In-Service Date: April 1, 2001.

Issued in Washington, DC, October 5, 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. 99–27249 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Fossil Energy

[Docket Nos. FE C&E 99–19, C&E 99–20 & C&E 99–21 Certification Notice—179]

Notice of Filings of Coal Capability of Odessa-Ector Power Partners, L.P., Berkshire Power Company, LLC and Milford Power Company, LLC, Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: Odessa-Ector Power Partners, L.P., Berkshire Power Company, LLC and Milford Power Company, LLC submitted coal capability self-certifications pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 *et seq.*), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owners/operators of the proposed new baseload powerplants have filed a self-certification in acccordance with section 201(d).

Owner: Odessa-Ector Power Partners, L.P. (C&E 99–19).

Operator: Odessa-Ector Power Partners, L.P.

Location: Odessa, Ector County, TX.

Plant Configuration: Combined-cycle.

Capacity: 1,000 MW.

Fuel: Natural gas.

Purchasing Entities: Multiple end users.

In-Service Date: September 2001.

Owner: Berkshire Power Company, LLC (C&E 99–20).

Operator: Berkshire Power Company, LLC.

Location: Agawam, Hampden County, MA.

Plant Configuration: Combined-cycle.

Capacity: 270 MW.

Fuel: Natural gas.

Purchasing Entities: El Paso Energy Marketing Company.

In-Service Date: December 1, 1999.

Owner: Milford Power Company, LLC (C&E 99–21).

Operator: Milford Power Company, LLC.

Location: Milford, CT.

Plant Configuration: Combined-cycle.

Capacity: 544 MW.

Fuel: Natural gas.

Purchasing Entities: El Paso Power Services Company.

In-Service Date: January 1, 2001.

Issued in Washington, DC, October 5, 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. 99–27250 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Under Review by the Office of Management and Budget

AGENCY: Energy Information Administration, Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Energy Information Administration (EIA) has submitted the energy information collection (recordkeeping requirement) listed at the end of this notice to the Office of Management and Budget (OMB) for review under provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The listing does not include collections of information contained in new or revised regulations, which are to be submitted under section 3507(d)(1)(A) of the Paperwork Reduction Act, nor management and procurement assistance requirements collected by the Department of Energy (DOE).

Each entry contains the following information: (1) The collection number and title; (2) a summary of the collection of information (includes the sponsor (*i.e.*, the DOE component)), current OMB document number (if applicable), type of request (new, revision, extension, or reinstatement), response obligation (mandatory, voluntary, or required to obtain or retain benefits); (3) a description of the need and proposed use of the information; (4) a description of the likely respondents; and (5) an estimate of the total annual reporting burden (*i.e.*, the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

DATES: Comments must be filed on or before November 18, 1999. If you anticipate that you will be submitting comments but find it difficult to do so within the time allowed by this notice, you should advise the OMB DOE Desk Officer listed below of your intention to do so as soon as possible. The OMB DOE Desk Officer may be telephoned at (202) 395–3084. (Also, please notify the EIA contact listed below.)

ADDRESSES: Address comments to the Department of Energy Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place, NW., Washington, DC 20503. (Comments should also be addressed to the Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Herbert Miller, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mr. Miller may be contacted by telephone at (202) 426–1103, FAX at (202) 426–1081, or e-mail at Herbert.Miller@eia.doe.gov.

SUPPLEMENTARY INFORMATION: The energy information collection (recordkeeping requirement) submitted to OMB for review was:

1. ERA–766R, ''Recordkeeping Requirements of DOE's General Allocation and Price Rules.''
2. General Counsel; OMB No. 1903–0073; Extension of a currently approved collection; Mandatory.
3. The ERA–766R represents the recordkeeping requirements contained in 10 CFR 210.1 of DOE's General Allocation and Price Rules. The data are used to help the Office of the General Counsel in its efforts to complete the enforcement program with respect to prior petroleum price and allocation regulations. No data are required to be submitted, just maintenance of records is required.
4. Business or other for-profit organizations.
5. (100 recordkeepers) × (4 hours per recordkeeper) × (once per year) = 400 hours.

Statutory Authority: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, DC, October 7, 1999.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group.

[FR Doc. 99–27248 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–206–005]

Atlanta Gas Light Company; Supplemental Notice of Technical Conference

October 13, 1999.

Take notice that the time for the technical conference scheduled in this docket on October 20, 1999 is rescheduled to 1:00 to 5:00 p.m., and will held in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426.

The following is the agenda for the conference:

1. Examination of the Effort of the Waivers on the Interstate Market
2. Identification of Alternatives to the Waivers
3. Other issues

Discussion at the conference will be focused mainly on the identification of issues and the relevant information.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27221 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–626–000]

El Paso Natural Gas Company; Notice of Application for Abandonment Authorization

October 13, 1999.

Take notice that on September 28, 1999, El Paso Natural Gas Company (El Paso), a Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Texas 79978, filed an application at Docket No. CP99–626, pursuant to Section 7(b) of the Natural Gas Act (NGA), and 157.5 et seq., of the Federal Energy Regulatory Commission's (Commission) Regulations Under the NGA for permission and approval to abandon one injection/withdrawal well, the associated well-tie pipe and the service rendered by means thereof at the Washington Ranch Storage Facility in Eddy County, New Mexico, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that the Washington Ranch Storage Facility has been in continuous operation since June 30, 1982. The prolonged reservoir operation, together with the advancing age of the well bores and the surface facilities installed by El Paso, requires continuous monitoring of the reservoir and facilities. As a result, El Paso identified extensive deterioration of the tubulars of one of the 18 injection/withdrawal wells, W.I. Federal No. 9 Well (Well No. 9), at the Washington Ranch Facility, which deterioration threatened to contaminate local groundwater.

As explained in its June 17, 1999 letter to the Commission, El Paso has already completed the plugging of Well No. 9 to prevent serious damage.

The application asserts that the estimated cost to rework (inspect, repair, and cement) Well No. 9 and

return it to 1.4 MMcf per day of field deliverability would be approximately $40,000 to $100,000 depending on the severity of any unknown problems encountered. In contrast, the cost to plug and abandon the well and associated well-tie pipe is approximately $12,500.

El Paso states that abandonment of Well No. 9 will yield a reduction of only 1.4 MMcf per day (approximately 1% reduction) in deliverability from the Washington Ranch Storage Facility. The loss of 1.4 MMcf per day, is negligible and will not materially affect El Paso's operations.

El Paso's environmental analysis supports the conclusion that permanently plugging Well No. 9 and associated well-tie pipe is not a major Federal action significantly affecting the human environment.

If there are any further questions regarding this project, the following individual may be contacted: Robert T. Tomlinson, Director, Tariff and Certificates Department, El Paso Natural Gas Company, 100 North Stanton, El Paso, Texas 79901, (915) 496–5959.

Additionally, copies of this application are located at the City of Carlsbad Municipal Library in Carlsbad, Eddy County, New Mexico.

Any person desiring to be heard or to make any protest with reference to said application should, on or before November 3, 1999 file with the Federal Energy Regulatory Commission, Washington, DC 20426, a protest or motion to intervene in accordance with the requirements of Rule 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214) and the Regulations Under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this document if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that the requested abandonment is required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for El Paso to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27213 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–19–000]

Garden Banks Gas Pipeline, LLC; Notice of Proposed Changes in FERC Gas Tariff

October 13, 1999.

Take notice that on October 8, 1999, Garden Banks Gas Pipeline, LLC (GBGP) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets to become effective November 1, 1999:

First Revised Sheet No. 304
First Revised Sheet No. 305
Second Revised Sheet No. 306
First Revised Sheet No. 307
First Revised Sheet No. 308
Original Sheet No. 309
Original Sheet No. 310
Original Sheet No. 311
Original Sheet No. 312
Original Sheet No. 313
Original Sheet No. 314
Original Sheet No. 315
Original Sheet No. 316
Original Sheet No. 317
Original Sheet No. 318
Original Sheet No. 319
Sheets Nos. 320–409 are being reserved for future use

GBGP states that the purpose of this filing is to implement an alternative Natural Gas Liquids Bank (NGL Bank) structure whereby GBGP's shippers will contract with a third party administrator of the NGL Bank, and to substitute for the existing Form of NGL Bank Agreement, that is an appendix to GBGP's tariff, a revised Form of NGL Bank Agreement that reflects this revised structure, all as more fully set forth in the application. GBGP will not be a party to the new NGL Bank Agreement.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27228 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–347–002]

Kern River Gas Transmission Company; Notice of Compliance Filing

October 13, 1999.

Take notice that on October 1, 1999, Kern River Gas Transmission Company (Kern River) tendered for filing and acceptance Second Substitute Sixth Revised Sheet No. 72, to be a part of its FERC Gas Tariff, First Revised Volume No. 1.

Kern River states that the purpose of this filing is to revise Sheet No. 72 to correct a typographical error in compliance with the Commission's September 23, 1999 letter order in this docket number.

Kern River states that it has served a copy of this filing 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27224 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP98–117–000 and TM99–2–53–000 (Consolidated)]

KN Interstate Gas Transmission Company; Notice of Settlement Conference

October 13, 1999.

Take notice that a Settlement conference will be convened to discuss an Offer of Settlement in Docket Nos. RP98–117–000 and TM99–2–53–000. The Settlement Conference is scheduled for Wednesday, October 27, 1999, at 10 a.m. The Settlement Conference will be held at the Offices of the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426, for the purpose of exploring settlement of the captioned proceedings.

Any party as defined by 18 CFR 385.102(c), or any participant as defined in 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information contact Thomas J. Burgess at (202) 208–2058, Gray Denkinger at 208–2215, or Marcia C. Hooks at (202) 208–0993.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27219 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER99–2175–002]

New England Power Pool; Notice of Filing

October 13, 1999.

Take notice that on September 22, 1999, New England Power Pool tendered for filing information regarding Market Rule 15 actions for June and July 1999.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 22, 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. 99–27216 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–011]

Northern Natural Gas Company; Notice of Compliance Filing

October 13, 1999.

Take notice that on October 6, 1999, Northern Natural Gas Company (Northern) tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheet, with an effective date of July 7, 1996.

Fifth Substitute Second Revised Sheet No. 252

Northern states that the above-listed tariff sheet is filed in compliance with the Commission's Order issued September 21, 1999 in Docket Nos. RP96–272–008 and RP96–272–009, addressing Northern's negotiated rate provisions.

Northern further states that copies of the filing have been ailed 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.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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27218 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–203–009]

Northern Natural Gas Company; Notice of Refund Report

October 13, 1999.

Take notice that on October 1, 1999 Northern Natural Gas Company (Northern) tendered for filing a Refund Report showing refunds that were made to Northern's customers pursuant to Article IX of the Stipulation and Agreement of Settlement (Settlement) filed in the referenced docket on April 16, 1999 and approved by the Commission on June 18, 1999.

Northern states that copies of the filing were served upon the company's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before October 20, 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27220 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP00–3–000]

Panhandle Eastern Pipe Line Company; Notice of Request Under Blanket Authorization

October 13, 1999.

Take notice that on October 6, 1999, Panhandle Eastern Pipe Line Company (Panhandle), Post Office Box 4967, Houston, Texas 77210–4967, filed in Docket No. CP00–3–000 a request pursuant to Sections 157.205 and 157.208 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205 and 157.208) for authorization to increase the maximum allowable operating pressure (MAOP) of Panhandle's Tipton and Kokomo Meter Stations (Meter Stations) and a portion of the Tipton Laterals, all located in Tipton County, Indiana. Panhandle makes such request under authorization issued in Docket No. CP83–83–000 pursuant to Section 7 of the Natural Gas Act, all as fully set forth in the request on file with the Commission and open to public inspection. This filing may be viewed on the web at http://www.ferc.us/online/rims.htm (call 202–208–2222 for assistance).

Communications concerning this filing should be addressed to: William W. Grygar, Vice President of Rates and Regulatory Affairs, Panhandle Eastern Pipe Line Company, Post Office Box 4967, Houston, Texas 77210–4967, 713–989–70000.

In its application, Panhandle requests authorization, through a gas uprate procedure, to increase the MAOP of its Tipton and Kokomo Meter Stations and the last 1.3 miles of the Tipton laterals from 265 psig MAOP up to 394 psig, to make gas available at a pressure required by the Kokomo Gas and Fuel Company (Kokomo). It is stated that the facilities to be installed will consist of two insulating flanges and two 6-inch ball valves (a single-run worker-monitor regulating station). Panhandle indicates that the uprate procedure and resulting increase in the MAOP will not require any pipe replacement, hydrostatic testing, or construction of additional facilities, and states that all the minor auxiliary work will be confined within the fenced area of the Meter Station. The estimated project cost is $56,600, of which 50% will be reimbursed by Kokomo.

Panhandle states that the Meter Stations are both located at the end of the Tipton Laterals (Laterals), which extend northwesterly from Panhandle's Zionville mainlines in Hamilton County, Indiana approximately 11 miles to the outlet of the Meter Stations in Tipton County, Indiana.

Panhandle avers that the Laterals were constructed in the early to mid-50's and 60's, and are currently used to deliver gas to Kokomo and Indiana Gas Company (Indiana Gas) in Tipton County. Panhandle states that it's regulators, located between the Zionville mainlines and meter stations, are set to protect the 265 psig MAOP of Panhandle's facilities downstream of the regulators. Kokomo currently relies on the setting of Panhandle's regulators to control the pressure it receives from Panhandle. The pressure loss between Panhandle's regulators and Kokomo's facilities is more than Kokomo can accommodate to meet their increasing customer requirements. As a result, Kokomo has requested Panhandle to increase the MAOP of the Tipton and Kokomo Meter Stations and Tipton Laterals downstream of the existing regulators in order to make gas available to Kokomo at a pressure as close as possible to Kokomo's MAOP of 265 psig. Panhandle has determined that it can uprate these facilities to a MAOP of up to 394 psig in accordance with the Department of Transportation requirements in Part 192 of Title 49 of the Code of Federal Regulations.

Panhandle states that Indiana Gas has notified Panhandle that its system operation can accept Panhandle's modification of the Kokomo-Tipton facilities, and that Indiana Gas has agreed that Panhandle can increase the pressure with no impact on Indiana Gas.

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 therefore, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27214 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–394–002]

Pine Needle LNG Company, LLC; Notice of filing

October 13, 1999.

Take notice that on October 4, 1999 Pine Needle LNG Company, LLC (Pine Needle) tendered for filing in the referenced docket a revised tariff sheet to its FERC Gas Tariff, Original Volume No. 1. The effective date for the tariff sheet is August 1, 1999.

Pine Needle states that the Commission's July 23 order granted Pine Needle an extension of time until June 1, 2000 to revise several specified GISB standards to Version 1.3 while Pine Needle was developing its new computer system. On August 6 Pine Needle filed to incorporate the Version 1.3 standards not covered by the extension of time. On September 20 the Commission issued an order approving Pine Needle's August 6 compliance filing and directed Pine Needle to incorporate standards 1.4.2, 1.4.5 and 2.4.5 as Version 1.3 which were omitted in the August 6 compliance filing.

Pine Needle states that it is serving copies of the instant filing to its affected 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27225 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–13–000]

Public Service Company of New Hampshire; Notice of Filing

October 6, 1999.

Take notice that on October 1, 1999, Public Service Company of New Hampshire (PSNH), pursuant to Section 205 of the Federal Power Act, tendered for filing proposed increased charges to be collected under Federal Energy Regulatory Commission Rate Schedules Nos. 132, 133 and 142 from the Town of Ashland (New Hampshire), The Town of New Hampton Village Precinct (New Hampshire) and the New Hampshire Electric Cooperative, Inc. (collectively Wholesale Customers), to reflect increased charges for decommissioning Seabrook Station Unit 1 paid by PSNH to North Atlantic Energy Corporation (North Atlantic) under North Atlantic's Federal Energy Regulatory Commission Rate Schedules Nos. 1 and 3. These charges are recovered under a formula rate that is not changed by the filing. The proposed adjustment in charges is necessitated by a ruling of the New Hampshire Nuclear Decommissioning Financing Committee adjusting the funding requirements for decommissioning Seabrook Unit 1.

PSNH has requested waiver of the notice and filing requirements to permit an effective date of December 1, 1999, including a provision for retroactive payments by the Wholesale Customers for decommissioning expenses incurred by North Atlantic from January 1, 1999 through November 30, 1999.

Copies of this filing were served upon PSNH's jurisdictional customer and the New Hampshire Public Utilities Commission.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 21, 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. 99–27181 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER00–8–000]

Puget Sound Energy, Inc.; Notice of Filing

October 6, 1999.

Take notice that on October 1, 1999, the Puget Sound Energy, Inc. (as Transmission Provider), tendered for filing a Service Agreement for Firm Point-To-Point Transmission Service with the United States of America Department of Energy acting by and through the Bonneville Power Administration (Bonneville) (as Transmission Customer).

A copy of the filing was served upon Bonneville.

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 October 21, 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. 99–27182 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–252–005]

Sea Robin Pipeline Company; Notice of Proposed Changes to FERC Gas Tariff

October 13, 1999.

Take notice that on October 7, 1999, Sea Robin Pipeline Company (Sea Robin) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Second Substitute First Revised Sheet No. 93, to become effective November 1, 1999.

Sea Robin states that the purpose of this filing is to comply with the Commission's letter order dated September 22, 1999 in the above-referenced docket. Sea Robin states that it will provide shippers with individual notice by facsimile or electronic mail of any scheduled quantities that are being bumped.

Sea Robin states that copies of the filing will be served upon its shippers 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27222 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. ER98–441–010, ER98–2550–000, ER98–495–000, ER98–1614–000, ER98–2145–000, ER98–2668–000, ER98–2669–000, ER98–4296–000, ER98–4300–000, ER98–496–000, ER98–2160–000, ER98–441–001, ER98–495–001, ER98–496–001, ER98–4300–001, ER98–2668–001, ER98–2669–001, ER98–4296–001, ER98–2668–000, ER98–2669–000, ER99–1127–000, ER99–1128–000, ER98–4296–000, and ER98–4300–000]

Southern California Edison Company, California Independent System Operator Corp., El Segundo Power, LLC, Pacific Gas and Electric Company, Duke Energy Moss Landing LLC, Duke Energy Oakland LLC, San Diego Gas and Electric Company, Southern California Edison Company, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Duke Energy Moss Landing LLC, Duke Energy Oakland LLC, Duke Energy Moss Landing LLC, Duke Energy Oakland LLC; Notice of Filing

October 13, 1999.

Take notice that on October 4, 1999, Reliant Energy Mandalay, LLC, tendered for filing a refund report as required by the Stipulation and Agreement filed in the above-captioned proceedings on April 2, 1999 and approved by the Commission in an Order issued May 28, 1999.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before October 22, 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. 99–27215 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–17–000]

Transcontinental Gas Pipe Line Corporation; Notice of Tariff Filing

October 13, 1999.

Take notice that on October 6, 1999, Transcontinental Gas Pipe Line Corporation tendered for filing, on a pro forma basis, certain revised tariff sheets to its FERC Gas Tariff, Third Revised Volume No. 1, which tariff sheets are enumerated in Appendix A attached to the filing. Although Transco proposes that the revised tariff sheets be made effective upon the in-service date of Transco's new service delivery computer system, Transco requests that the Commission act on the filing no later than November 15, 1999.

Transco states that it is submitting the filing pursuant to Section 4 of the Natural Gas Act (NGA) to propose revisions to Section 42.3 of the General Terms and Conditions of Transco's tariff, and Section 2.8 of Rate Schedule FT, Section 2.4 of Rate Schedule FT–R, Section 2.5 of Rate Schedule FTN and Section 2.4 of Rate Schedule FTN–R. Specifically, Transco proposes to revise Section 42.3 of the General Terms and Conditions to provide that where a shipper elects to release a segment of its firm capacity entitlement in a zone and to retain a segment of its firm capacity entitlement in that zone, the sum of the scheduled quantities within that zone by that Releasing Shipper and any Replacement Shipper from or to firm secondary receipt and delivery points within any segment of that zone shall be limited to the level of the original firm capacity entitlement in that zone from which the Releasing Shipper's and the Replacement Shipper's firm capacity entitlement was derived. Conforming changes have been made to Section 2.8 of Rate Schedule FT, Section 2.4 of Rate Schedule FT–R, Section 2.5 of Rate Schedule FTN and Section 2.4 of Rate Schedule FTN–R, which address access to secondary receipt and delivery points within a zone, in order to recognize the limitation associated with released firm capacity entitlements.

Transco states that the tariff modifications are necessary in order to eliminate a practice by which certain shippers take advantage of the current flexibility under Transco's tariff for the purpose of creating firm contract rights in a zone that exceed the firm contract entitlements of those shippers through segments of capacity on the Transco pipeline system. That practice is accomplished through the use of segmentation rights granted under Transco's capacity release program and the flexible secondary receipt and delivery point rights granted under Transco's Rate Schedules FT and FT–R. The result is that shippers employing that practice obtain more than the rights to capacity in a segment of a zone that they are entitled to through payment of a reservation rate for that zone, a result that the Commission recently has affirmed exceeds Commission requirements and policy. Transco submits that the effect of this practice is to diminish in the value that firm capacity holders can receive for released capacity on the Transco system.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27227 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–16–000]

Trunkline LNG Company; Notice of Proposed Changes, in FERC Gas Tariff

October 13, 1999.

Take notice that on October 6, 1999, Trunkline LNG Company (TLNG) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1–A, the revised tariff sheets listed on Appendix A attached to the filing, to be effective November 15, 1999.

TLNG states that the purpose of this filing, made in accordance with the provisions of Section 154.204 of the Commission's Regulations, is to: (1)

Update the General Terms and Conditions and the Form of Service Agreements for address and telephone number changes; (2) delete the prefix in the date area of the Form of Service Agreements to be Y2K compliant; and (3) update the marketing affiliate information in the General Terms and Conditions Section 17 as necessitated by the acquisition of TLNG by CMS Energy Corporation.

TLNG states that copies of this filing are being served on all affected customers and applicable state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection 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).

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27226 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–257–003]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

October 13, 1999.

Take notice that on October 1, 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 November 1, 1999:

Eleventh Revised Sheet No. 6
Fourtheenth Revised Sheet No. 6A

Williams states that pursuant to the Offer of Settlement (Settlement) filed July 18, 1999 in the above referenced dockets, Williams is filing to discontinue the Rate Schedule FTS surcharges and the GSR component of the maximum ITS rate established in Docket Nos. RP99–257, et al. Article I, Section D of the Settlement provides that all Commission dockets in which Williams' GSR costs are at issue shall be concluded and terminated by the Commission's approval of the Settlement. Article III, Section A provides that the Settlement shall become effective'' on the first day of the first month commencing at least 30 days after a Commission order approving [the Settlement] becomes no longer subject to rehearing or appeal.'' By order issued August 30, 1999, the Commission approved the Settlement. No requests for rehearing of the order have been filed, therefore the order is final and the Settlement is effective November 1, 1999.

Williams states that a copy of its filing was served on all participants listed on the service lists maintained by the Commission in the dockets referenced above and 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 202–208–222 for assistance).

Linwood A. Watson,

Acting Secretary.

[FR Doc. 99–27223 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–3–000]

Open Access Same-Time Information System (OASIS) and Standards of Conduct; Notice of Filing

October 6, 1999.

Take notice that on September 23, 1999, the OASIS How Working Group and the Market Interface Committee of the North American Electric Reliability Council filed a report on Supporting OASIS Information Concerning Curtailments and Interruptions. The filing of the report was directed by the Commission in its Final Rule, Order No. 605, issued May 27, 1999, in the above-docketed proceeding.

We invite written comments on this filing on or before November 8, 1999. Any person desiring to submit comments should file them to the Office of the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The comments must contain a caption that references Docket No. RM98–3–000. Copies of this filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 99–27183 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP99–579–000; CP99–580–000]

Southern LNG Inc.; Notice of Public Scoping Meeting and Site Visit, Elba Island Terminal Recommissioning Project

October 13, 1999.

On November 2, 1999, at 6:00 p.m., the Office of Pipeline Regulation environmental staff will conduct a public scoping meeting for the proposal by Southern LNG Inc. (Southern LNG) in its Elba Island Terminal Recommissioning Project in Savannah, Georgia. The meeting will be held at the Eli Whitney Elementary School, 2 Laura Street, Savannah, Georgia.

The public meeting will be designed to give more detailed information and another opportunity to offer comments on the proposed project. Interested groups and individuals are encouraged to attend the meeting and present oral comments on the environmental issues which they believe should be addressed in the environmental assessment. A list will be available at the public meeting to allow speakers to sign up. Priority will be given to those persons representing groups. A transcript of the meeting will be made so that your comments will be accurately recorded.

On November 3, 1999, at 8:30 a.m., the Commission's staff will meet with representatives of Southern LNG to

conduct a cryogenic design and engineering review of the proposed LNG facilities. This technical conference is tentatively scheduled to be held at Southern LNG's Elba Island Terminal, Savannah, Georgia. Seating at this conference will be limited, so we ask anyone planning to attend to please contact Paul McKee of the Commission's Office of External Affairs at (202) 208–1088. If the number of attendees becomes too large, we may be required to find an alternative location. We will however notify those planning on attending of the new location. On the afternoon of November 3, 1999, the environmental staff will tour the LNG terminal site. Anyone interested in participating in the site visit must provide their own transportation. Entry into the terminal is off of U.S. 80, north onto President Street, which becomes Elba Island Road.

For further information on any of the above events, please contact Paul McKee of the Commission's Office of External Affairs at (202) 208–1088.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27213 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Request To Delete Flushing Flow Requirement

October 13, 1999.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Request to Delete Flushing Flow Requirement.

b. *Project No.:* 9967–057.

c. *Date Filed:* September 27, 1999.

d. *Applicant:* Shorock Hydro, Inc.

e. *Name of Project:* Shoshone Project.

f. *Location:* The Shoshone Project is located on the Little Wood River, near the town of Shoshone, in Lincoln County, Idaho. The project occupies Bureau of Land Management lands.

g. *Applicant Contact:* Mr. John Straubhar, Shorock Hydro, Inc., P.O. Box 1787, Twin Falls, ID 83303; (208) 734–8633.

h. *FERC Contact:* Any questions on this notice should be addressed to Steve Hocking, e-mail address: *steve.hocking@ferc.fed.us,* or telephone (202) 219–2656. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

i. *Deadline for filing comments and recommendations, motions to intervene, and protests:* November 19, 1999.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

j. *Description of the Application:* Shorock Hydro, Inc. (Shrock) requests Commission approval to delete its license required flushing flows in the project's bypass reach. Shorock is required to release 100 cubic feet per second (cfs) of water every 7 days during the irrigation season (April 1 through September 30) for a 3-hour period to help maintain riparian vegetation. Shorock says these flows are not needed because it is releasing flushing flows in conformance with an independent agreement among Shorock, Idaho Department of Fish and Game and Idaho Rivers United.

k. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at *http://www.FERC.fed.us/online/rims.htm*. Call (202) 208–2222 for assistance.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but one those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 99–27217 Filed 10–18–99; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Western Area Power Administration

Call for 2005 Resource Pool Applications

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of the call for 2005 Resource Pool applications.

SUMMARY: The Western Area Power Administration (Western), a Federal power marketing administration of DOE, published its 2004 Power Marketing Plan (Marketing Plan) for the Sierra Nevada Customer Service Region (Sierra Nevada Region) in the **Federal Register**. The Marketing Plan specifies the terms and conditions under which Western will market power from the Central Valley Project (CVP) and the Washoe Project beginning January 1, 2005. The Marketing Plan provides for a 2005 Resource Pool of up to 4 percent of the Sierra Nevada Region's marketable power resources. The 2005 Resource Pool is available for new power allocations to qualified entities. Preference entities who wish to apply for a new allocation of power from Western's Sierra Nevada Region must submit formal applications conforming to the procedures below. The eligibility and allocation criteria are defined in the

Marketing Plan and described later in this **Federal Register** notice. Existing customers' conditional resource extension percentages are listed in the Marketing Plan. Existing customers do not need to submit applications for their resource extensions. However, if an existing customer wishes to apply for a new allocation of power, in addition to its resource extension, it must meet the eligibility criteria and submit an application.

DATES: Entities interested in applying for an allocation of Western power must submit applications to Western's Sierra Nevada Customer Service Regional Office at the address below. Applications must be received by 4 p.m., PST, on December 20, 1999. Applicants are encouraged to hand-deliver or use certified mail for delivery of applications. Applications will be accepted via regular mail through the United States Postal Service if postmarked at least 3 days before December 20, 1999, and received no later than December 21, 1999. Western will not consider applications that are not received by the prescribed dates. Western will publish a Notice of Proposed Allocations in the **Federal Register** after evaluating all applications.

Application dates and procedures and power purchase options applicable to first preference customers/entities are provided in the Marketing Plan.

ADDRESSES: Applications must be submitted to the Power Marketing Manager, Western Area Power Administration, Sierra Nevada Customer Service Region, 114 Parkshore Drive, Folsom, CA 95630.

FOR FURTHER INFORMATION CONTACT: Howard Hirahara, Power Marketing Manager, at (916) 353–4421 or by electronic mail at hirahara@wapa.gov.

SUPPLEMENTARY INFORMATION:

Authorities

The Marketing Plan for marketing power by the Sierra Nevada Region after 2004, published in the **Federal Register** (64 FR 34417) on June 25, 1999, was established pursuant to the Department of Energy Organization Act (42 U.S.C. 7101-7352); the Reclamation Act of June 17, 1902 (ch. 1093, 32 Stat. 388) as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485(c)); and other acts specifically applicable to the projects involved.

Regulatory Procedure Requirements

Regulatory Flexibility Analysis

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601, *et seq.*) requires Federal agencies to perform a regulatory flexibility analysis if a final rule is likely to have a significant economic impact on a substantial number of small entities and there is a legal requirement to issue a general notice of proposed rulemaking. Western has determined that this action does not require a regulatory flexibility analysis since it is a rulemaking of particular applicability involving services applicable to public property.

Environmental Compliance

In compliance with National Environmental Policy Act (NEPA) (42 U.S.C. 4321, *et seq.*), Council on Environmental Quality NEPA implementing regulations (40 CFR parts 1500–1508), and DOE NEPA implementing regulations (10 CFR part 1021), Western completed an environmental impact statement (EIS) on its Energy Planning and Management Program (EPAMP). The Record of Decision was published in the **Federal Register** (60 FR 53181, October 12, 1995). Western will market the Sierra Nevada Region's power resources consistent with the Power Marketing Initiative under EPAMP (60 FR 54151, October 20, 1995). Western also completed the 2004 Power Marketing Program EIS (2004 EIS), and the Record of Decision was published in the **Federal Register** (62 FR 22934, April 28, 1997). The Marketing Plan falls within the range of alternatives considered in the 2004 EIS. This NEPA review identified and analyzed environmental effects related to the Marketing Plan.

Available reservoir storage and water releases controlled by the United States Department of the Interior, Bureau of Reclamation (Reclamation) influence marketable CVP and Washoe Project electrical capacity and energy. Under the CVP Improvement Act of 1992 (Pub. L. 102–575, Title 34) (CVPIA), Reclamation is in the final stages of a programmatic EIS (PEIS) examining the potential impacts of implementing the CVPIA's fish and wildlife restoration obligations and potential changes in CVP operations and water allocations to meet those obligations. Actions based on the PEIS may result in modifications to CVP facilities and operations that would affect the timing and quantity of electric power generated by the CVP. Such changes may affect electric power products and services which will be marketed by Western. The Marketing Plan is designed to accommodate these changes. Western is a cooperating agency in Reclamation's PEIS process.

Review Under the Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3501, *et seq.*), Western has received approval from the Office of Management and Budget for the collection of customer information in this rule, under control number 1910–0100.

Determination Under Executive Order 12866

Western has an exemption from centralized regulatory review under Executive Order 12866; accordingly, no clearance of this notice by the Office of Management and Budget is required.

Small Business Regulatory Enforcement Fairness Act

Western has determined that this rule is exempt from congressional notification requirements under 5 U.S.C. 801 because the action is a rulemaking of particular applicability relating to services and involves matters of procedure.

Background

The Marketing Plan provides for Western to offer up to 4 percent of the Sierra Nevada Region's marketable power resources to new and certain existing customers under the process in this notice.

CVP power facilities include 11 powerplants with a maximum operating capability of about 2,044 megawatts (MW), and an estimated average annual generation of 4.6 million megawatthours (MWh). Western markets and transmits the power available from the CVP.

The Washoe Project's Stampede Powerplant has a maximum operating capability of 3.65 MW with an estimated annual generation of 10,000 MWh. Sierra Pacific Power Company owns and operates the only transmission system available for access to Stampede Powerplant.

Western owns the 94 circuit-mile Malin-Round Mountain 500-kilovolt (kV) transmission line (an integral section of the Pacific Northwest-Pacific Southwest Intertie), 803 circuit miles of 230-kV transmission line, 7 circuit miles of 115-kV transmission line, and 44 circuit miles of 69-kV and below transmission line. Western also has part ownership in the 342-mile California-Oregon Transmission Project. Many of Western's existing customers have no direct access to Western's transmission lines and receive service over transmission lines owned by other utilities.

The Marketing Plan describes how the Sierra Nevada Region will market its power resources beginning January 1, 2005, through December 31, 2024. Western will, at its discretion, allocate a percentage of the 2005 Resource Pool to applicants that meet the eligibility criteria. This allocation percentage will be multiplied by the 2005 Resource Pool percentage to determine the applicant's percentage of the Base Resource as described in the Marketing Plan. Once the final 2005 Resource Pool allocations have been published, Western will work with the new customers to develop a customized product to meet their needs, as more fully described in the Marketing Plan.

Eligibility Criteria

Western will apply the following eligibility criteria to all applicants seeking a resource pool allocation under the Marketing Plan.

1. Applicants must meet the preference requirements of Reclamation law.

2. Applicants should be located within the Sierra Nevada Region's primary marketing area as defined in the Marketing Plan. If the Sierra Nevada Region's power resources are not fully subscribed, Western may market its resource outside the primary marketing area.

3. Applicants that require power for their own use must be ready, willing, and able to receive and use Federal power. Federal power shall not be resold to others.

4. Applicants that provide retail electric service must be ready, willing, and able to receive and use the Federal power to provide electric service to their customers, not for resale to others.

5. Applicants must submit an application in response to this notice according to the procedures in the Dates Section above.

6. Native American applicants must be a Native American tribe as defined in the Indian Self Determination Act of 1975 (25 U.S.C. 450b, as amended).

7. Existing customers may apply for a resource pool allocation if their extension CRD, listed in Appendix A of the Marketing Plan, is not more than 15 percent of their peak load in calendar year 1998, and not more than 10 MW.

8. Western will normally not allocate power to applicants with loads of less than 1 MW; however, allocations to applicants with loads which are at least 500 kilowatts (kW) may be considered, if the loads can be aggregated with other allottees' loads to schedule and deliver to a minimum load of 1 MW.

Allocation Criteria

Western will apply the following allocation criteria to all applicants receiving a resource pool allocation under the Marketing Plan.

1. Allocations will be made in amounts as determined solely by Western in exercise of its discretion under Reclamation law and considered to be in the best interest of the United States Government.

2. Allocations may be based on the applicant's peak demand during calendar year 1998 or the amount requested, whichever is less.

3. An allottee will have the right to purchase power from Western only upon execution of an electric service contract between Western and the allottee, and satisfaction of all conditions in that contract.

4. Customers' percentages of the Base Resource will be subject to a reduction for the 2015 Resource Pool as described in the Marketing Plan.

5. Eligible Native American entities will receive greater consideration for an allocation of up to 65 percent of their peak load in calendar year 1998.

Call for 2005 Resource Pool Applications

Applications for Power

This notice formally requests applications from qualified entities wishing to purchase power from the Sierra Nevada Region. Specific applicant profile data (APD) is requested so that Western will have a uniform basis upon which to evaluate the applications. To be considered, applicants must submit an application to the Sierra Nevada Region containing the APD as requested below. To ensure that full consideration is given to all applicants, Western will not consider requests for power or applications submitted before publication of this notice or after the deadlines specified in the Dates Section.

Applicant Profile Data

The content and format of the APD are outlined below. Please provide all information requested or the most reasonable estimates that are available. Please indicate if the requested information is not applicable or available. Western will request, in writing, additional information from any applicant whose application is deficient. The applicant will have ten (10) business days from the postmark date on Western's request to provide the information. In the event an applicant fails to provide sufficient information to allow Western to make a determination regarding eligibility, the application will not be considered.

All items of information in the APD should be answered as if prepared by the organization seeking the allocation of Federal power. The APD shall consist of the following:

I. Applicant:

A. Applicant's (entity requesting a new allocation) name and address.

B. Person(s) representing applicant: name, company, title, address, and telephone number.

C. Type of organization: for example, municipality, public utility district, rural electric cooperative, irrigation or water district, Federal or state agency, or Native American tribe.

D. Parent organization of applicant, if any.

E. Name of members, if any.

F. Applicable law under which organization was established.

G. Applicant's geographic service area: if available, submit a map of the service area, and indicate the date prepared.

H. Brief explanation of applicant's ability to receive and use or receive and distribute Federal power as of July 1, 2004.

II. Service Requested:

The megawatt amount of power applicant is requesting to be served by the Sierra Nevada Region.

III. Loads:

A. Maximum demand (capacity and energy use) for each month of calendar year 1998.

B. Average annual and monthly load factors for calendar year 1998.

C. Factors or conditions which may significantly change peak demands or load duration or profile curves in the next five (5) years.

IV. Transmission:

A. Brief description of applicant's transmission and distribution system including major interconnections. Provide a single-line drawing of applicant's system, if one is available.

B. Requested point(s) of delivery on Western's system, voltage of service required, and capacity desired at the points of delivery, if applicable.

V. Other Information:

Any other information pertinent to receiving an allocation.

VI. Signature:

The signature and title of the appropriate official who is able to attest to the validity of the information submitted and who is authorized to submit the application is required.

Contracting Process

Western will begin the contracting process with the allottees after publishing the final allocations in the

Federal Register, tentatively scheduled for October 2000. Western will offer a prototype contract for power allocated under the Final 2005 Resource Pool Allocations. Allottees will be required to commit to the Base Resource and Optional Purchase on or before December 31, 2000, and to the Custom Product on or before December 31, 2002, as described in the Marketing Plan. Electric service contracts will be effective upon Western's signature, and service will begin on January 1, 2005.

Dated: October 4, 1999.

Michael S. Hacskaylo,

Administrator.

[FR Doc. 99–27247 Filed 10–18–99; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6459–1]

Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) or Superfund, Section 104; National Brownfields Assessment Pilots

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposal deadlines, revised guidelines.

SUMMARY: The United States Environmental Protection Agency (EPA) will begin to accept proposals for the National Brownfields Assessment Pilots on October 19, 1999. The brownfields assessment pilots (each funded up to $200,000 over two years) test cleanup and redevelopment planning models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated environmental cleanup and redevelopment efforts at the federal, state, and local levels.

In fiscal year 2000, an additional $50,000 may be awarded to an applicant to assess the contamination of a brownfields site(s) that is or will be used for greenspace purposes. Greenspace purposes may include, but are not limited to, parks, playgrounds, trails, gardens, habitat restoration, open space, and/or greenspace preservation.

EPA expects to select up to 50 additional National brownfields assessment pilots by April 2000. The deadline for new proposals for the 2000 assessment pilots is *February 16, 2000.* Proposals must be post-marked or sent to EPA via registered or tracked mail by the stated deadline. Previously unsuccessful applicants are advised that they must revise and resubmit their proposals to be considered for the 2000 National assessment pilot competition.

The National brownfields assessment pilots are administered on a competitive basis. To ensure a fair selection process, evaluation panels consisting of EPA Regional and Headquarters staff and other federal agency representatives will assess how well the proposals meet the selection criteria outlined in the newly revised application booklet The Brownfields Economic Redevelopment Initiative: Proposal Guidelines for Brownfields Assessment Demonstration Pilots (October 1999). Applicants are encouraged to contact and, if possible, meet with EPA Regional Brownfields Coordinators.

DATES: This action is effective as of October 19, 1999, and expires on February 16, 2000. All proposals must be post-marked or sent to EPA via registered or tracked mail by the expiration date cited above.

ADDRESSES: The proposal guidelines can be obtained by calling the Superfund Hotline at the following numbers:

Washington, DC Metro Area at 703–412–9810

Outside Washington, DC Metro at 1–800–424–9346

TDD for the Hearing Impaired at 1–800–553–7672

Copies of the guidelines are also available via the Internet: http://www.epa.gov/brownfields/.

FOR FURTHER INFORMATION CONTACT: The Superfund Hotline, 800–424–9346.

SUPPLEMENTARY INFORMATION: As a part of the Environmental Protection Agency's (EPA) Brownfields Economic Redevelopment Initiative, the Brownfields Assessment Demonstration Pilots are designed to empower States, communities, tribes, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely cleanup and promote the sustainable reuse of brownfields. EPA has awarded cooperative agreements to States, cities, towns, counties and Tribes for demonstration pilots that test brownfields assessment models, direct special efforts toward removing regulatory barriers without sacrificing protectiveness, and facilitate coordinated public and private efforts at the Federal, State, tribal and local levels. To date, the Agency has funded 307 Brownfields Assessment Pilots.

EPA's goal is to select a broad array of assessment pilots that will serve as models for other communities across the nation. EPA seeks to identify proposals that demonstrate the integration or linking of brownfields assessment pilots with other federal, state, tribal, and local sustainable development, community revitalization, and pollution prevention programs. Special consideration will be given to Federal Empowerment Zones and Enterprise Communities (EZ/ECs), communities with populations of under 100,000, and federally recognized Indian tribes. These pilots focus on EPA's primary mission—protecting human health and the environment. However, it is an essential piece of the nation's overall community revitalization efforts. EPA works closely with other federal agencies through the Interagency Working Group on Brownfields, and builds relationships with other stakeholders on the national and local levels to develop coordinated approaches for community revitalization.

Funding for the brownfields assessment pilots is authorized under Section 104(d)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA or Superfund), 42 U.S.C. 9604(d)(1). States (including U.S. Territories), political subdivisions (including cities, towns, counties), and federally recognized Indian Tribes are eligible to apply. EPA welcomes and encourages brownfields projects by coalitions of such entities, but only a single eligible entity may receive a cooperative agreement. Cooperative agreement funds will be awarded only to a state, a political subdivision of a state, or a federally recognized Indian tribe.

Through a brownfields cooperative agreement, EPA provides funds to an eligible state, political subdivision, or Indian Tribe to undertake activities authorized under CERCLA section 104. Use of these assessment pilot funds must be in accordance with CERCLA, and all CERCLA restrictions on use of funds also apply to the assessment pilots. All restrictions on EPA's use of funding cited in CERCLA apply to brownfields assessment pilot cooperative agreement recipients.

The evaluation panels will review the proposals carefully and assess each response based on how well it addresses the selection criteria, briefly outlined below:

Part I (Required)

1. Problem Statement and Needs Assessment (4 Points Out of 20)

—Effect of Brownfields on your Community or Communities

—Value Added by Federal Support

2. Community-Based Planning and Involvement (6 Points Out of 20)

—Existing Local Commitment

—Community Involvement Plan
—Environmental Justice Plan

3. Implementation Planning (6 Points Out of 20)

—Government Support
—Site Selection and Environmental Site Assessment Plan
—Reuse Planning and Proposed Cleanup Funding Mechanisms
—Flow of Ownership Plan

4. Long-Term Benefits and Sustainability (4 Points Out of 20)

—Long-Term Benefits
—Sustainable Reuse
—Measures of Success

Part II (Optional)

5. Greenspace

—Authority and Context (2 points out of 8)
—Community Involvement (2 points out of 8)
—Site Identification, Site Assessment Plan, Flow of Ownership, and Reuse Planning (4 Points Out of 8)

Approved: October 4, 1999.

Linda Garczynski,

Director, Outreach and Special Projects Staff, Office of Solid Waste and Emergency Response.

[FR Doc. 99–27145 Filed 10–18–99; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 99–2148]

International Bureau To Hold Public Forum on Submarine Cable Landing Licenses

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a public forum on Submarine Cable Landing Licenses to be held by the International Bureau on November 8, 1999. The Commission is making this announcement to provide an opportunity for the public to identify issues that should be addressed in an upcoming proceeding.

FOR FURTHER INFORMATION CONTACT: Elizabeth Nightingale, Attorney-Advisor, Policy and Facilities Branch, Telecommunications Division, International Bureau, (202) 418–2352 or Breck Blalcok at (202) 418–0484.

SUPPLEMENTARY INFORMATION: Released: October 8, 1999.

On November 8, 1999, from 3:00–5:00 pm, the International Bureau will hold a public forum to provide an opportunity for the public to identify issues the Commission should address in its upcoming proceeding to examine how its policies regarding licensing submarine cables might best promote competition and benefit consumers. The information we gather from this public forum may assist the Commission in its 2000 Biennial Regulatory Review.

The forum is open to the public and will be at the Federal Communications Commission Headquarters, 445 12th Street, SW, Washington, DC, in the Commission Meeting Room (Room TW–C305). The Bureau encourages users as well as facilities and service providers to attend.

The Bureau intends that this public forum will provide an opportunity to raise, but not necessarily debate, issues related to the Commission's regulation of submarine cables. The Bureau does not intend that the public forum will include a discussion of the merits of pending Commission proceedings, such as pending proceedings involving applications for a cable landing license. Appropriate topics include, but are not limited to, the following:

• Streamlining or simplifying the Commission's cable landing license application and review process.

—How can the Commission expedite the process, reduce burdens on applicants and the Commission, and minimize the information the Commission asks for in applications?

• Do the conditions routinely imposed on licenses remain necessary?

• What sort of ''ownership'' requires an entity to be a licensee on a cable landing license, and how much of a cable system must be owned by licensees?

—Should the Commission consider separately ownership of backhaul and of landing stations?

Common carrier vs. non-common carrier cable landing licenses.

—Should the Commission maintain the distinction and what should the consequences be?

• Structural/ownership issues raised by certain cable systems.

—Do certain ownership structures raise competitive problems?
—How can the Commission address these problems?
—In identifying ownership structures that may raise competitive concerns, how does the Commission draw the line?
—Does the Commission need to define ''consortium''?
—Does the corporate governance over certain cable systems raise competitive problems?

• Under what circumstances, if any, should price differentials, especially volume discounts, be restricted?

• How should the Commission address issues of competitive access to backhaul?

• Are there other competitive issues that the Commission should address in its upcoming proceeding?

• Are there other issues the Commission should address related to submarine cables?

The purpose of the forum is not to discuss the merits of pending Commission proceedings (including cable landing license applications pending before the Commission) and is not otherwise part of a pending Commission proceeding. As such, the forum is not subject to the Commission's *ex parte* rules.

To the extent a participant discusses the merits of a pending proceeding, the *ex parte* rules will apply with respect to the particular discussion.

The Bureau invites parties wishing to discuss competition issues in depth to meet with the staff individually. The Bureau encourages users as well as facilities and service providers to meet with Bureau staff. Please contact Elizabeth Nightingale of the Bureau's Telecommunications Division, at 202–418–2352, to make arrangements. Any party wishing to make a formal presentation (no longer than 10 minutes) at the public forum should send an outline of the presentation to Elizabeth Nightingale. Parties also are welcome to make written submissions in lieu of speaking at the forum. Outlines of oral presentations and written submissions should be sent to Elizabeth Nightingale no later than October 29, either via facsimile to the Bureau's Telecommunications Division at (202) 418–2824, or by e-mail to enightin@fcc.gov.

For information on obtaining a videotape of the forum, please contact the Commission's Audio-Visual Office at (202) 418–0460. Audio and video tapes of the forum may also be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170, by calling Infocus at (703) 834–0100 or by faxing Infocus at (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 99–27166 Filed 10–18–99; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1296–DR]

New York; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of New York (FEMA–1296–DR), dated September 19, 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 the incident period for this disaster is closed effective September 18, 1999.

(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. 99–27262 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3149–EM]

New York; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice 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 the incident period for this emergency is closed effective September 18, 1999.

(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. 99–27266 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1292–DR]

North Carolina; 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 North Carolina (FEMA–1292-DR), dated September 16, 1999, and related determinations.

EFFECTIVE DATE: September 16, 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 16, 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 North Carolina, resulting from Hurricane Floyd on September 15, 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 North Carolina.

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 Glenn C. Woodard, Jr. 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 North Carolina to have been affected adversely by this declared major disaster:

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 Counties for Individual Assistance and Public Assistance.

All counties within the State of North Carolina 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. 99–27260 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1292–DR]

North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Carolina (FEMA–1292–DR), dated September 16, 1999, and related determinations.

EFFECTIVE DATE: October 4, 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 the incident period for this disaster is closed effective October 4, 1999.

(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. 99–27261 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–3146–EM]

North Carolina; Amendment No. 2 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency for the State of North Carolina (FEMA–3146–EM), dated September 15, 1999, and related determinations.

EFFECTIVE DATE: October 4, 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 the incident period for this emergency is closed effective October 4, 1999.

(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. 99–27265 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1279–DR]

North Dakota; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of North Dakota (FEMA–1279–DR), dated June 8, 1999, and related determinations.

EFFECTIVE DATE: October 5, 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 October 5, 1999, the President amended the cost-sharing arrangements concerning Federal funds provided under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 51521 *et seq.*), in a letter to James L. Witt, Director of the Federal Emergency Management Agency, as follows:

I have determined that the damage in North Dakota resulting from severe storms, flooding, snow and ice, ground saturation, landslides, mudslides, and tornadoes beginning on March 1, 1999 and continuing through July 19, 1999, is of sufficient severity and magnitude that special conditions are warranted regarding the cost-sharing arrangements concerning Federal funds provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub.L. 93–288, as amended.

Therefore, I amend my previous declaration to authorize Federal funds for Public Assistance at 90 percent of total eligible costs.

This adjustment to State and local cost sharing applies only to Public Assistance costs eligible for such adjustment under the law. The law specifically prohibits a similar adjustment for funds provided to the State for the Individual and Family Grant program, mobile home group site development under Section 408, Temporary Housing, and Hazard Mitigation Assistance. These funds will continue to be reimbursed at 75 percent of total eligible costs.

(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. 99–27259 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1299–DR]

South Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carolina, (FEMA–1299–DR), dated September 21, 1999, and related determinations.

EFFECTIVE DATE: October 6, 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 State of South Carolina 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 21, 1999:

Dorchester, Florence, and Orangeburg Counties for Individual Assistance (already designated for Categories A and B under the Public Assistance program).

Dillon County for Individual Assistance and Categories C through G under the Public Assistance program (already designated for Categories A and B under the Public Assistance 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.)

Robert J. Adamcik,

Deputy Associate Director, Response and Recovery Directorate.

[FR Doc. 99–27263 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1299–DR]

South Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of South Carolina, (FEMA–1299–DR), dated September 21, 1999, and related determinations.

EFFECTIVE DATE: September 30, 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 the incident period for this major disaster is closed effective September 30, 1999.

(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. 99–27264 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting, Advisory Committee for the National Urban Search and Rescue Response System

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463,5 U.S.C. App.), announcement is made of the following committee meeting:

Name: Advisory Committee for the National Urban Search and Rescue Response System.

Date of Meeting: November 3–4, 1999.

Place: Washington Hilton & Towers, 1919 Connecticut Avenue NW, Washington, DC 20009.

Time: November 3: 9:00 a.m.–5:00 p.m.; November 4: 9:00 a.m.–5:00 p.m.

Proposed Agenda: The committee will be provided with a program update that will address the status of ongoing audits and program reviews, functional training and program support efforts, and Fiscal Year 1999 through 2000 budgets for the Urban Search and Rescue Program. The committee will review, discuss, and develop final recommendations for the proposed task force equipment cache list. Other items for discussion may include status of draft regulations, review of working group activities and functional training methodologies.

The meeting will be open to the public, with approximately 20 seats available on a first-come, first-served basis. All members of the public interested in attending should contact Mark R. Russo, at 202–646–2701.

Minutes of the meeting will be prepared and will be available for public viewing at the Federal Emergency Management Agency, Operations and Planning Division, Response and Recovery Directorate, 500 C Street, SW, Washington DC 20472. Copies of the minutes will be available upon request 30 days after the meeting.

Robert J. Adamcik,

Deputy Associate Director, Response & Recovery Directorate.

[FR Doc. 99–27258 Filed 10–18–99; 8:45 am]

BILLING CODE 6718–02–P

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board

AGENCY: General Accounting Office.

ACTION: Notice of two-day meeting on October 28–29, 1999.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92–463), as amended, notice is hereby given that the Federal Accounting Standards Advisory Board will hold a two-day meeting on Thursday, October 28, and Friday, October 29, 1999, from 9:00 AM to 3:00 PM in room 7C13, the Comptroller General's Briefing Room, of the General Accounting Office building, 441 G St., NW, Washington, DC.

The purpose of the meeting is to:

- Hear a presentation on the United Kingdom's Implementation of Accrual Accounting;
- Discuss objectives of the Suggested Reporting Requirement of Major Acquisition Programs;
- Discuss National Defense Property, Plant, and Equipment project proposals;
- Review Direct Loans and Loan Guarantee draft amendments;
- Review draft of updated Volume I Codification of Statements of Federal Financial Accounting Concepts and Standards;
- Discuss Required Supplementary Stewardship Information (RSSI); and
- Discuss the AICPA Rule 203 conference.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Wendy Comes, Executive Director, 441 G St., NW, Room 3B18, Washington, DC 20548, or call (202) 512–7350.

Authority: Federal Advisory Committee Act. Pub. L. No. 92–463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101–6.1015 (1990).

Dated: October 14, 1999.

Wendy M. Comes,

Executive Director.

[FR Doc. 99–27279 Filed 10–18–99; 8:45 am]

BILLING CODE 1610–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Committee on Vital and Health Statistics: Meeting

Pursuant to the Federal Advisory Committee Act, the Department of Health and Human Services announces the following advisory committee meeting.

Name: National Committee on Vital and Health Statistics (NCVHS), Subcommittee on Populations.

Time and Date: 10:00 a.m.–5:00 p.m., October 28, 1999; 9:00 a.m.–1:00 p.m., October 29, 1999.

Place: Room 405A, Hubert H. Humphrey building, 200 Independence Avenue, SW, Washington, D.C. 20201.

Status: Open.

Purpose: At this meeting, the Subcommittee on Populations will assess the

feasibility of recording, evaluating, and analyzing measures of functional status on health records, such as records of enrollment in health plans, records of medical encounters, and standardized attachments to such records.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey building by non-government employees. Thus, persons without a government identification card will need to have the guard call for an escort to the meeting.

Contact Person for More Information: Substantive program information as well as summaries of meetings and a roster of committee members may be obtained from Carolyn Rimes, Lead Staff Person for the NCVHS Subcommittee on Special Populations, Office of Research and Demonstrations, Health Care Financing Administration, MS–C4–13–01, 7500 Security Boulevard, Baltimore, Maryland 21244–1850, telephone (410) 786–6620; or Marjorie S. Greenberg, Executive Secretary, NCVHS, NCHS, CDC, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 436–7050. Information also is available on the NCVHS home page of the HHS website: *http://aspe.os.dhhs.gov/ncvhs*, where an agenda for the meeting will be posted when available.

Dated: October 12, 1999.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 99–27180 Filed 10–18–99; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Citizens Advisory Committee on Public Health Service Activities and Research at Department of Energy (DOE) Sites: Idaho National Engineering and Environmental Laboratory Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following conference call meeting.

Name: Citizens Advisory Committee on Public Health Service Activities and Research at DOE Sites: Idaho National Engineering and Environmental Laboratory Health Effects Subcommittee (INEEL).

Time and Date: 2 p.m.–4 p.m., EDT, October 25, 1999.

Place: The conference call will originate at the National Center for Environmental Health (NCEH), CDC, in Atlanta, Georgia. Please see ''Supplementary Information'' for details on accessing the conference call.

Status: Open to the public, limited only by the availability of telephone ports.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, regarding community, American Indian Tribes, and labor concerns pertaining to CDC's and ATSDR's public health activities and research at this DOE site. The purpose of this meeting is to provide a forum for community, American Indian Tribal, and labor interaction and serve as a vehicle for community concern to be expressed as advice and recommendations to CDC and ATSDR.

Matters to be Discussed: The subcommittee will listen to the membership work report and their recommendations for individuals to be considered for membership.

Agenda items are subject to change as priorities dictate.

Supplementary Information: This conference call is scheduled to begin at 2 p.m., EDT. To participate in the conference call, please dial 1–888–296–1938 and enter conference code 323104. You will then be automatically connected to the call.

This notice is being published less than 15 days before the meeting due to the difficulty of coordinating the attendance of members because of conflicting schedules.

Contact Person for More Information: Arthur J. Robinson, Jr., Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 4770 Buford Highway, NE, M/S (F–35), Atlanta, Georgia 30341–3724, telephone 770/488–7040, FAX 770/488–7040.

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 CDC and ATSDR.

Dated: October 13, 1999.

Carolyn J. Russell,

Director, Management Analysis and Services Office.

[FR Doc. 99–27192 Filed 10–18–99; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99F–4372]

National Fisheries Institute and Louisiana Department of Agriculture and Forestry; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the National Fisheries Institute and the Louisiana Department of Agriculture and Forestry have filed a petition proposing that the food additive regulations be amended to provide for the safe use of approved sources of ionizing radiation for the control of Vibrio and other foodborne pathogens in fresh or frozen molluscan shellfish.

FOR FURTHER INFORMATION CONTACT: William J. Trotter, Center for Food Safety and Applied Nutrition (HFS–206), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3088.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 9M4682) has been filed by the National Fisheries Institute, 1901 North Fort Myer Drive, Arlington, VA 22209 and the Louisiana Department of Agriculture and Forestry, P.O. Box 3334, Baton Rouge, LA 70821. The petition proposes that the food additive regulations in part 179 Irradiation in the Production, Processing, and Handling of Food (21 CFR part 179) be amended to provide for the safe use of approved sources of ionizing radiation for the control of Vibrio and other foodborne pathogens in fresh or frozen molluscan shellfish.

The agency has determined under 21 CFR 25.32(j) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

Dated: September 30, 1999.

Lauran M. Tarantino,

Acting Director, Office of Premarket Approval, Center for Food Safety and Applied Nutrition.

[FR Doc. 99–27160 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; 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: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 5, 1999, 8:30 a.m. to 5:30 p.m. (this notice is for the second day of a 2-day meeting).

Location: Corporate Bldg., conference rm. 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: William Freas or Sheila D. Langford, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD, 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12521. Please call the Information Line for up-to-date information on this meeting.

Agenda: The committee will discuss postmarketing studies of Genzyme Corporation's Carticel (autologous chondrocytes manipulated ex-vivo for structural repair) indicated for treatment and repair of clinically significant, articular cartilage defects in the knee. The discussion will focus on issues specific to these studies and on more general ones related to the feasibility of randomized controlled trials in the field of orthopaedics.

Procedure: On November 5, 1999, from 8:30 a.m. to 5:30 p.m., the meeting is open to the public. 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 November 1, 1999. Oral presentations from the public will be scheduled between approximately 8:45 a.m. and 9:15 a.m. and between approximately 1:00 p.m and 1:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before November 1, 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: October 12, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–27154 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

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). At least one portion of the meeting will be closed to the public.

Name of Committee: Orthopaedic and Rehabilitation Devices Panel of the Medical Devices Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 4, 1999, 9 a.m. to 4:30 p.m.

Location: Corporate Bldg., conference room 020B, 9200 Corporate Blvd., Rockville, MD.

Contact Person: Hany W. Demian, Center for Devices and Radiological Health (HFZ–410), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2036, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12521. Please call the Information Line for up-to-date information on this meeting.

Agenda: On November 4, 1999, the committee will discuss and make recommendations on the reclassification of constrained total hip arthroplasty devices. The committee will also discuss the development of computer controlled surgical systems designed for use in orthopaedic procedures.

Procedure: On November 4, 1999, from 9 a.m. to 3 p.m., the meeting is open to the public. 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 29, 1999. On November 4, 1999, oral presentations from the public regarding the reclassification of constrained total hip arthroplasy devices and the development of computer controlled surgical systems designed for use in orthopaedic procedures will be scheduled between approximately 11 a.m. and 11:30 a.m. and between approximately 2:30 p.m. and 3 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person by October 29, 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.

Closed Presentation of Data: On November 4, 1999, from 3 p.m. to 4 p.m., the meeting will be closed to permit a sponsor to present to the committee trade secret and/or confidential commercial information on a clinical study design. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Closed Committee Deliberations: On November 4, 1999, from 4 p.m. to 4:30 p.m., the meeting will be closed to permit FDA to present to the committee trade secret and/or confidential commercial information regarding pending and future device issues. This portion of the meeting will be closed to permit discussion of this information (5 U.S.C. 552b(c)(4)).

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2.).

Dated: October 12, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–27158 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Vaccines and Related Biological Products Advisory Committee; 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). Portions of the meeting will be closed to the public.

Name of Committee: Vaccines and Related Biological Products Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on November 4, 1999, 8 a.m. to 6

p.m., and on November 5, 1999, 8 a.m. to 4 p.m.

Location: Holiday Inn, Versailles Ballrooms I and II, 8120 Wisconsin Ave., Bethesda, MD.

Contact Person: Nancy T. Cherry or Denise H. Royster, Center for Biologics Evaluation and Research (HFM–71), Food and Drug Administration, 1401 Rockville Pike, Rockville, MD 20852, 301–827–0314, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12391. Please call the Information Line for up-to-date information on this meeting.

Agenda: On November 4, 1999, the committee will discuss: (1) Ways to demonstrate attenuation of chimeric strains of Cytomegaloviral candidate vaccines to support proceeding into clinical trials, and (2) the safety data following a fifth successive dose of DTaP (Tripedia) manufactured by Connaught Laboratories, Inc. On November 5, 1999, the product license application for Wyeth Lederle Vaccines and Pediatrics' Pneumococcal 7–Valent Conjugate Vaccine (Diphtheria CRM197 protein) will be discussed for use in infants and young children. The committee will be asked to consider the safety and efficacy of this vaccine against prevention of invasive disease (bacteremia and meningitis) caused by *Streptococcus pneumoniae* (pneumococcus).

Procedure: On November 4, 1999, from 9 a.m. to 1:30 p.m., and from 2 p.m. to 6 p.m., and on November 5, 1999, from 9 a.m. to 4 p.m., the meeting is open to the public. 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 28, 1999. Oral presentations from the public will be scheduled between approximately 11:30 a.m. and 11:45 a.m., and between approximately 3:30 p.m. and 3:45 p.m. on November 4, 1999. On November 5, 1999, the oral presentations will be scheduled from approximately 1:30 p.m. to 1:45 p.m., and from approximately 3:15 p.m. to 3:30 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before October 28, 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 presentations.

Closed Committee Deliberations: On November 4, 1999, from 8 a.m. to 9 a.m., and from approximately 1:30 p.m. to 2 p.m., and on November 5, 1999, from 8 a.m. to 9 a.m., the meeting will be closed to permit discussion and review of trade secret and/or confidential information (5 U.S.C. 552b(c)(4)). These portions of the meeting will be closed to permit discussion of pending investigational new drug applications or pending product licensing applications.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: October 12, 1999.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 99–27157 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–5001–N]

Medicare Program; Establishment of the Health Care Financing Administration's Management Advisory Committee

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice.

SUMMARY: In accordance with Public Law 92–463, the Federal Advisory Committee Act (FACA), we are announcing the establishment of the Management Advisory Committee (MAC). The Secretary signed the charter establishing the MAC on September 24, 1999. The MAC will terminate on September 24, 2001, unless we formally determine that continuance is in the public interest.

The MAC will advise and make recommendations to us on issues of management and leadership practices, purchasing strategies, and ways to improve our overall performance, accountability, and operations. The MAC will not make recommendations regarding payment or coverage policy.

ADDRESSES: A request for a copy of the charter for the MAC should be submitted to Corinne Marvin, Office of Strategic Planning, Health Care Financing Administration, 7500 Security Boulevard, C3–20–11, Baltimore, Maryland 21244–1850, (410) 786–4681, or by e-mail to mgtadvbrd@hcfa.gov.

FOR FURTHER INFORMATION CONTACT: Corinne Marvin, (410) 786–4681.

SUPPLEMENTARY INFORMATION:

I. Background and Legislative Authority

The Management Advisory Committee (MAC) is governed by provisions of Public Law 92–463, as amended (5 U.S.C. Appendix 2), which sets forth standards for the formulation and use of advisory committees. We have found that the MAC is necessary and in the public interest.

The MAC consists of 11 appointed members from among nationally recognized authorities in academia, public and private sector health purchasing organizations, private consultants, and private sector businesses.

We will appoint members to a term of between 1 and 4 years, with 3 and 4 year appointments contingent on our decision that it is in the public interest to continue the MAC beyond the initial 2-year term described in the Charter. The MAC will provide recommendations to assist us in improving our management. The MAC will issue a report to us at the end of the 2-year charter on its findings and recommendations.

Authority: (5 U.S.C. Appendix 2).

(Catalog of Federal Domestic Assistance Program No. 99.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: October 13, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–27251 Filed 10–18–99; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

Notice of Hearing: Reconsideration of Disapproval of New Mexico Children's Health Insurance Program State Plan Amendment (SPA)

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on December 8, 1999; at 10:00 a.m.; Eighth Floor; Conference Room 820; 1301 Young Street; Dallas, Texas 75202 to reconsider our decision to disapprove New Mexico SPA.

CLOSING DATE: Requests to participate in the hearing as a party must be received by the presiding officer by November 3, 1999.

FOR FURTHER INFORMATION CONTACT: Mr. Stanley Katz, Presiding Officer, HCFA, C1–09–13, 7500 Security Boulevard, Baltimore, Maryland 21244, Telephone: (410) 786–2661.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove New Mexico Children's Health Insurance Program (CHIP) Phase II State Plan Amendment (SPA) submitted on April 15, 1999.

Section 1116 of the Social Security Act (the Act) and 42 CFR Part 430 provide a State an opportunity for an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. Section 2107(e)(2)(B) of the Act makes these provisions applicable under Title XXI to CHIP State plans and plan amendments. Under these provisions, the Health Care Financing Administration (HCFA) is required to publish a copy of the notice to the State that informs the State of the time and place of the hearing and the issues to be considered. If we subsequently notify the State of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

New Mexico submitted its State Plan for a Medicaid expansion program on May 19, 1998 and received HCFA approval for it on January 11, 1999. New Mexico submitted its SPA on April 15, 1999. The amendment provides for the State to furnish preventive and intervention services to all Medicaid eligible children under age 19. HCFA denied the amendment on July 8, 1999.

HCFA disapproved New Mexico's CHIP plan amendment because the State requested enhanced FFP in expenditures for preventive and intervention services furnished to children who would have been Medicaid eligible under New Mexico's Medicaid State Plan in effect on March 31, 1997. Under section 1905(b) of the Social Security Act, a State may receive enhanced FFP in expenditures for services provided through a Medicaid expansion to ''optional targeted low income children.'' Section 1905(u)(2)(B) excludes from the definition of ''optional targeted low income child'' any child who would have qualified for Medicaid under a state's Medicaid State plan in effect on March 31, 1997.

The issue to be considered at the hearing is whether a State may receive enhanced Federal financial participation in expenditures under CHIP for preventive and intervention services furnished to Medicaid eligible children under the age of 19, including children who would have been Medicaid eligible under New Mexico's Medicaid State Plan in effect on March 31, 1997.

The notice to New Mexico announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. Charles Milligan,
Director, Medical Assistance Division, New Mexico Human Services Department, P.O. Box 2348, Santa Fe, New Mexico 87504–2348.

Dear Mr. Milligan: I am responding to your request for reconsideration of the decision to disapprove the New Mexico Children's Health Insurance Program (CHIP) Phase II State Plan Amendment (SPA) submitted on April 15, 1999.

HCFA disapproved New Mexico's CHIP plan amendment because the State requested enhanced FFP in expenditures for preventive and intervention services furnished to children who would have been Medicaid eligible under New Mexico's Medicaid State plan in effect on March 31, 1997. Under § 1905(b) of the Social Security Act, a State may receive enhanced FFP in expenditures for services provided through a Medicaid expansion to ''optional targeted low income children.'' Section 1905(u)(2)(B) of the Act excludes from the definition of ''optional targeted low income child'' any child who would have qualified for Medicaid under a state's Medicaid State plan in effect on March 31, 1997.

I am scheduling a hearing on your request for reconsideration to be held on December 8, 1999 at 10:00 a.m.; Eighth Floor; Conference Room 820; 1301 Young Street; Dallas, Texas 75202. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, Part 430.

The issue to be considered at the hearing is whether a State may receive enhanced Federal financial participation in expenditures under CHIP for preventive and intervention services furnished to Medicaid eligible children under the age of 19, including children who would have been Medicaid eligible under New Mexico's Medicaid State Plan in effect on March 31, 1997.

I am designating Mr. Stanley Katz as the presiding officer. If these arrangements present any problems, please contact the presiding officer. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 786–2661.

Sincerely,

Michael M. Hash,

Deputy Administrator.

cc: Mr. Stanley Katz

(Section 1116 of the Social Security Act (42 U.S.C. section 1316); 42 CFR section 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: October 13, 1999.

Michael M. Hash,

Deputy Administrator, Health Care Financing Administration.

[FR Doc. 99–27229 Filed 10–14–99; 3:33 pm]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Health Resources and Services Administration (HRSA) publishes abstracts of information collection requests under review by the Office of Management and Budget, in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). To request a copy of the clearance requests submitted to OMB for review, call the HRSA Reports Clearance Office on (301)–443–1129.

The following request has been submitted to the Office of Management and Budget for review under the Paperwork Reduction Act of 1995:

Proposed Project: Faculty Loan Repayment Program (FLRP) Application (OMB No. 0915–0150)—Revision

Under the Health Resources and Services Administration Faculty Loan Repayment Program, disadvantaged graduates from certain health professions schools may enter into a contract under which HRSA will make payments on eligible graduate educational loans in exchange for a minimum of two years of service as a full-time or part-time faculty member of a health professions school. Applicants must complete an application and provide information on all eligible education loans. Upon selection of

participants, HRSA will request verification from their lenders of the current loan balances and the schedule of their outstanding educational loans.

Annual burden estimates are as follows:

Respondent	Number of respondents	Responses per respondent	Total responses	Hours per response	Total burden hours
Applicants	60	1	60	1	60
Lenders	100	1	100	.5	50
Total	160		160		110

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Wendy A. Taylor, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: October 13, 1999.

Jane Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 99–27276 Filed 10–18–99; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting: Chronic Fatigue Syndrome Coordinating Committee

In accordance with section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C., Appendix 2), the National Institute of Allergy and Infectious Diseases (NIAID), National Institutes of Health (NIH) announces the following committee meeting.

Name: Chronic Fatigue Syndrome Coordinating Committee (CFSCC).

Time and Date: Tuesday, November 2, 1999, 9:00 a.m.–5 p.m.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW, Washington, DC.

Status: Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card will need to provide a photo ID and must know the subject and room number of the meeting in order to be admitted into the building. Visitors must use the Independence Avenue entrance.

Purpose: The Commission is charged with providing advice to the Secretary, the Assistant Secretary for Health, and the Commissioner, Social Security Administration (SSA), to assure interagency coordination and communication regarding chronic fatigue syndrome (CFS) research and other related issues; facilitating increased Department of Health and Human Services (HHS) and agency awareness of CFS research and educational needs; developing complementary research programs that minimize overlap; identifying opportunities for collaborative and/or coordinated efforts in research and education; and developing informed responses to constituency groups regarding HHS and SSA efforts and progress.

Matters to be Discussed: Agency updates and a report on CDC's CFS Program. Agenda items are subject to change as priorities dictate.

Public Comments will be received at the meeting for a total of not more than 60 minutes. Persons wishing to make oral comments either in person or via a videotape should notify the contact person listed below no later than close of business on October 22, 1999. Individuals who have not previously provided testimony will be given preference. In the event that there are more requests than can be accommodated in the time available, a lottery system will be utilized to select speakers. Those selected will be notified on October 22, or soon thereafter.

If a selected individual is unable to deliver their testimony at the meeting or submit their video prior to the meeting, their testimony slot will be filed on a first come first served basis on the day of the meeting following an announcement soliciting substitutes by the Chair. Preference of those not previously providing testimony will apply. All testimony presented to the Committee on the day of the meeting will become part of the public record. Public comments will be limited to five minutes per person, whether on videotape or in person at the meeting. Copies of any written comments should be available for distribution to those attending the meeting; speakers should come with at least 50 copies.

Contact Person for More Information: Louise Garnett, Program Coordinator, Division of Microbiology and Infectious Diseases, NIAID, NIH, 6700B Rockledge Drive, Room 3266, Bethesda, MD 20892, telephone 301–496–1884, fax 301–480–4528.

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: October 12, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy, NIH.

[FR Doc. 99–27171 Filed 10–18–99; 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 Special Emphasis Panel.

Date: November 2, 1999.

Time: 12:00 p.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Neuroscience Center, National Institutes of Health, 6001 Executive Blvd., Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Phillip F. Wiethorn, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: National Institute of Neurological Disorders and Stroke Special Emphasis Panel.

Date: November 4–5, 1999.
Time: 8:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.
Contact Person: Alan L. Willard, PhD, Scientific Review Administrator, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, 301–496–9223.
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. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: October 12, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–27174 Filed 10–18–99; 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: Health Promotion and Disease Prevention Initial Review Group Alcohol and Toxicology Subcommittee 4.
Date: October 18–19, 1999.
Time: 8:00 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Gopal C. Sharma, DVM, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7816, Bethesda, MD 20892, (301) 435–1783.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 19, 1999.
Time: 1:00 pm to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Musculoskeletal and Dental Sciences Initial Review Group Orthopedics and Musculoskeletal Study Section.
Date: October 25–26, 1999.
Time: 8:00 am to 4:00 pm.
Agenda: To review and evaluate grant applications.
Place: Chevy Case Holiday Inn, Chevy Case, MD 20815.
Contact Person: Daniel F. McDonald, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7814, Bethesda, MD 20892, (301) 435–1215.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Biochemical Sciences Initial Review Group, Physiological Chemistry Study Section.
Date: October 28–29, 1999.
Time: 8:00 am to 4:00 pm.
Agenda: To review and evaluate grant applications.
Place: St. James Hotel, Washington, DC 20037.
Contact Person: Richard Panniers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, 7842, Bethesda, MD 20892, (301) 435–1741.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Endocrinology and Reproduction Sciences Initial Review Group Human Embryology and Development Subcommittee 1
Date: October 28–29, 1999.
Time: 8:00 am to 11:00 am.
Agenda: To review and evaluate grant applications.
Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.
Contact Person: Michael Knecht, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6176, MSC 7892, Bethesda, MD 20892, (301) 435–1046.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Nutritional and Metabolic Sciences Initial Review Group, Metabolism Study Section.
Date: October 28–29, 1999.
Time: 8:30 am to 3:00 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW, Washington, DC 20007.
Contact Person: Krish Krishnan, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164, MSC 7892, Bethesda, MD 20892, (301) 435–1041.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 28–29, 1999.
Time: 8:30 am to 4:00 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.
Contact Person: Michael Micklin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301) 435–1258, micklinm@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 28–29, 1999.
Time: 8:30 am to 1:00 pm.
Agenda: To review and evaluate grant applications.
Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.
Contact Person: Nancy Pearson, PhD, Chief, Genetic Sciences Integrated Review Group, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2112, MSC 7890, Bethesda, MD 20892, (301) 435–1047, pearsonn@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: October 28–29, 1999.
Time: 8:30 am to 5:00 pm.
Agenda: To review and evaluate grant applications.
Place: Holiday Inn, 2 Montgomery Village Avenue, Gaithersburg, MD 20879.
Contact Person: Mohindar Poonian, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5222, MSC 7852, Bethesda, MD 20892, (301) 435–1168, poonianm@csr.nih.gov.
This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Biophysical and Chemical Sciences Initial Review Group, Molecular and Cellular Biophysics Study Section.

Date: October 28–29, 1999.

Time: 8:30 am to 6:00 pm.

Agenda: To review and evaluate grant applications.

Place: Hotel Sofitel, 1914 Connecticut Ave., NW, Washington, DC 20009.

Contact Person: Nancy Lamontagne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4170, MSC 7806, Bethesda, MD 20892, (301) 435–1726.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Immunological Sciences Initial Review Group, Immunobiology Study Section.

Date: October 28–29, 1999.

Time: 9:00 am to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Betty Hayden, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4206, MSC 7812, Bethesda, MD 20892, (301) 435–1223.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 28–29, 1999.

Time: 9:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1111 30th Street, NW, Washington, DC 20007.

Contact Person: Anita Miller Sostek, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3176, MSC 7848, Bethesda, MD 20892, (301) 435–1260.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 28–29, 1999.

Time: 9:00 am to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: Governor's House Hotel, Washington, DC 20036.

Contact Person: Robert Weller, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3160, MSC 7770, Bethesda, MD 20892, (301) 435–0694.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29, 1999.

Time: 8:30 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: John L. Bowers, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4168, MSC 7806, Bethesda, MD 20892, (301) 435–1725.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29, 1999.

Time: 9:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: One Washington Circle, 1 Washington Circle, NW, Washington, DC 20037.

Contact Person: Alec 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.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29, 1999.

Time: 1:30 am to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Anshumali Chaudhari PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: October 29, 1999.

Time: 3:00 am to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Paul K. Strudler, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4100, MSC 7804, Bethesda, MD 20892, (301) 435–1716.

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. 93.306, 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: October 12, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–27172 Filed 10–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Clinical Center; Notice of Meeting

Pursuant to section 10(a) 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 Governors of the Warren Grant Magnuson Clinical Center.

The meeting will be open to the public, 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.

Name of Committee: Board of Governors of the Warren Grant Magnuson Clinical Center Executive Committee.

Date: October 29, 1999.

Time: 10 a.m. to 12 p.m.

Agenda: Discussion on Clinical Research Information System (CRIS) and Inpatient Survey Results.

Place: National Institutes of Health, Clinical Center Medical Board Room, 2C116, 9000 Rockville Pike, Bethesda, MD 20892.

Contact Person: Maureen E. Gormley, Executive Secretary, Warren Grant Magnuson Clinical Center, National Institutes of Health, Building 10, Room 2C146, Bethesda, MD 20892, 301/496–2897.

Dated: October 12, 1999.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 99–27173 Filed 10–18–99; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4410–FA–10]

Announcement of Funding Awards for the Historically Black Colleges and Universities Program Fiscal Year 1999

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice of funding awards.

SUMMARY: In accordance with section 102(a)(4)(c) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a competition for funding under the Super Notice of Funding Availability (SuperNOFA) for the Historically Black Colleges and Universities (HBCUs) Program. This announcement contains the names and addresses of the awardees and the amount of the awards made available by HUD to provide assistance to the HBCUs.

FOR FURTHER INFORMATION CONTACT: Delores Pruden, Historically Black Colleges and Universities Program, Office of Community Planning and Development, Department of Housing and Urban Development, 451 7th St., S.W., Washington, DC 20410; telephone (202) 708–1590 (this is not a toll-free number). Hearing- and speech-impaired persons may access this number via TTY by calling the Federal Information Relay Service toll-free at 1–800–877–8339. Information may also be obtained from a HUD field office, see Appendix A for names, addresses and telephone numbers, or for general information, applicants can call Community Connections at 1–800–998–9999.

SUPPLEMENTARY INFORMATION: This program is authorized under section 107(b)(3) of the Housing and Community Development Act of 1974 (the 1974 Act) (42 U.S.C. 5307(b)(3)), which was added by section 105 of the Department of Housing and Urban Development Reform Act of 1989 (Pub. L. 101–235). The program is governed by regulations contained in 24 CFR 570.400 and 570.404, and in 24 CFR part 570, subparts A, C, J, K, and O.

This notice announces FY 1999 funding of $9 million to HBCUs to be used to stimulate economic and community development activities in the HBCUs' locality. The FY 1999 grantees announced in this Notice were selected for funding consistent with the provisions in the Super NOFA published in the **Federal Register** on February 26, 1999 (64 FR 9661).

The Catalog of Federal Domestic Assistance number for this program is 14.237.

In accordance with section 102(a)(4)(c) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the grantees and amounts of the awards in Appendix B.

Dated: October 12, 1999.

Cardell Cooper,

Assistant Secretary for Community Planning and Development.

Appendix A—Community Planning and Development (CPD) Directors With Historically Black Colleges and Universities Located Within Their Jurisdiction

1. Alabama State Office

Harold Cole, Director, Beacon Ridge Tower, 600 Beacon Parkway West, Suite 300, Birmingham, AL 35209–3144, Telephone #: (205) 290–7630 ext. 1029, Fax Machine #: (205) 290–7388

2. Arkansas State Office

Ann Golnik, Director, TCBY Tower, 425 West Capitol Avenue, Suite 900, Little Rock, AR 72201–3488, Telephone #: (501) 324–6375 ext. 3304, Fax Machine #: (501) 324–5954

3. Caribbean Office

Carmen R. Cabrera, Director, New San Juan Office Building, 159 Carlos E. Chardon Avenue, San Juan, PR 00918–1804, Telephone #: (787) 766–5576, Fax Machine #: (787) 766–5107

4. District of Columbia Office

Ronald J. Herbert, Director, 820 First St., NE, #450, Washington, DC 20002–4205, Telephone #: (202) 275–0994 ext. 3162, Fax Machine: (202) 275–4190

5. Florida State Office

Jack Johnson, Director, Brickell Plaza Federal Building, 909 Southeast 1st Ave., Room 500, Miami, FL 33131–3028, Telephone #: (305) 536–4431, Fax Machine #: (305) 536–5765

6. Georgia State Office

John L. Perry, Director, 5-Points Plaza, 40 Marietta St., 15th Floor, Atlanta, GA 30303–9812, Telephone #: (404) 331–5001, Fax Machine #: (404) 331–6997

7. Jacksonville Area Office

James N. Nichol, Director, Southern Bell Tower, 301 West Bay Street, Suite 2200, Jacksonville, FL 32202–5121, Telephone #: (904) 232–1777 ext. 2136, Fax Machine #: (904) 232–1360

8. Kentucky State Office

Ben Cook, Director, 601 West Broadway, Room 214, P.O. Box 1044, Louisville, KY 40201–1044, Telephone #: (502) 582–6163 ext. 214, Fax Machine: (502) 582–6074

9. Knoxville Area Office

Virginia E. Peck, Director, John J. Duncan Federal Building, 710 Locust Street, 3rd Floor, Knoxville, TN 37902–2526, Telephone #: (423) 545–4391 ext. 121, Fax Machine: (423) 545–4575

10. Louisiana State Office

Gregory Hamilton, Director, Hale Boggs Federal Building, 501 Magazine Street, 9th Floor, New Orleans, LA 70130–3099, Telephone #: (504) 589–7212 ext. 3047, Fax Machine #: (504) 589–4089

11. Maryland State Office

Joseph J. O'Connor, Director, City Crescent Building, 10 South Howard Street, 5th Floor, Baltimore, MD 21201–2505, Telephone #: (410) 962–2520 ext. 3071, Fax Machine #: (410) 962–7250

12. Michigan State Office

Emerson Sherrod, Acting Director, 477 Michigan Avenue, Detroit, MI 48226–2592, Telephone #: (313) 226–7188 ext. 8053, Fax Machine #: (313) 226–6689

13. Mississippi State Office

Linda F. Tynes, Acting Director, Dr. A.H. McCoy, Federal Building, 100 West Capitol Street, Room 910, Jackson, MS 39269–1096, Telephone #: (601) 965–4700 ext. 3140, Fax Machine #: (601) 965–5912

14. N.C. State Office

Charles T. Ferebee, Director, Koger Building, 2306 West Meadowiew Road, Greensboro, NC 27407–3707, Telephone #: (336) 547–4006, Fax Machine #: (336) 547–4148

15. Ohio State Office

Lana Vacha, Director, 200 North High Street, Columbia, OH 43215–2499, Telephone #: (614) 469–5737 ext. 8248, Fax Machine #: (614) 469–2237

16. Oklahoma State Office

David Long, Director, 500 West Main Street, Suite 400, Oklahoma City, OK 73102, Telephone #: (405) 553–7569, Fax Machine #: (405) 553–7574

17. Pennsylvania State Office

Joyce Gaskins, Director, The Wanamaker Building, 100 Penn Square East, Philadelphia, PA 19107, Telephone #: (215) 656–0626 ext. 3201, Fax Machine #: (215) 656–3442

18. Pittsubrgh Area Office

Lynn B. Daniels, Director, 339 Sixth Avenue, 6th Floor, Pittsburgh, PA 15222–2515, Telephone #: (412) 644–2999, Fax Machine #: (412) 644–6499

19. San Antonio Area Office

John Maldonado, Director, Washington Square, 800 Dolorosa Street, Room 306, San Antonio, TX 78207, Telephone #: (210) 475–6800 ext. 2293, Fax Machine #: (210) 472–6225

20. S.C. State Office

Louis E. Bradley, Director, Strom Thurmond Federal Building, 1835 Assembly Street, 11th Floor, Columbia, SC 29201–2480, Telephone #: (803) 765–5564, Fax Machine #: (803) 765–5564

21. St. Louis Area Office

Ann Wiedl, Director, Robert A. Young Federal Building, 1222 Spruce Street, 3rd Floor, St. Louis, MO 63103–2826, Telephone #: (314) 539–6524, Fax Machine #: (314) 539–6818

22. Texas State Office

Katie S. Worsham, Director, 1600 Throckmorton Street, P.O. Box 2905, Fort Worth, TX 76113–2905, Telephone #: (817) 978–9017 ext. 3111, Fax Machine #: (817) 978–9027

23. Virginia State Office

Joseph K. Aversano, Director, The 3600 Centre, 3600 West Broad Street, Richmond, VA 23230–4920, Telephone #: (804) 278–4503, Fax Machine #: (804) 278–4511

Appendix B—1999 Funding Awards for Historically Black Colleges and Universities

Alabama

1. Dr. Yvonne Kennedy, President, Bishop State Community College, 351 North Broad Street, Mobile, AL 36603, Phone: 334–690–6416, Fax #: 334–438–9523, Grant Amount: $400,000
2. Dr. Delbert Baker, President, Oakwood College, 7000 Adventist Boulevard, Huntsville, AL 35896, Phone: 256–726–7334, Fax #: 256–726–8335, Grant Amount: $466,665
3. Dr. Ernest McNealy, President, Stillman College, 3601 Stillman Boulevard, P.O. Box 1430, Tuscaloosa, AL 35403, Phone: 205–366–8808 ext. 201, Fax #: 205–758–0821, Grant Amount: $466,665

Arkansas

4. Dr. Lawrence A. Davis, Jr., Chancellor, University of Arkansas at Pine Bluff, 1200 North University Drive, P.O. Box 4008, Pine Bluff, AR 71601, Phone: 870–543–8471, Fax #: 870–543–8003, Grant Amount: $466,665

District of Columbia

5. Mr. H. Patrick Swygert, Esquire, President, Howard University, 2400 6th Street, N.W., Washington, D.C. 20059, Phone: 202–806–2500, Fax #: 202–806–5934, Grant Amount: $466,665

Florida

6. Dr. Oswald P. Bronson, Sr., President, Bethune-Cookman College, 640 Dr. Mary McLeod Bethune Boulevard, Daytona Beach, FL 32114, Phone: 904–252–8667, Fax #: 904–257–7027, Grant Amount: $400,000

Georgia

7. Dr. Walter Massey, President, Morehouse College, 830 Westview Drive, S.W., Atlanta, GA 30314, Phone: 404–215–2645, Fax #: 404–659–6536, Grant Amount: $400,000

New Orleans

8. Dr. Gerald C. Peoples, Chancellor, Southern University at New Orleans, New Orleans, LA 70126, Phone: 504–286–5313, Fax #: 504–284–5500, Grant Amount: $466,665

North Carolina

9. Dr. Mickey L. Burnim, Chancellor, Elizabeth City State University, P.O. Box 790, Elizabeth City, NC 27909, Phone: 252–338–3053, Fax #: 252–335–3731, Grant Amount: $466,665
10. Dr. Dorothy Cowser Yancy, President, Johnson C. Smith University, 100 Beatties Ford Road, Charlotte, NC 28216, Phone: 704–378–1008, Fax #: 704–372–5746, Grant Amount: $466,690
11. Dr. James C. Renick, Chancellor, North Carolina A&T State University, 1601 E. Market Street, Greensboro, NC 27411, Phone: 336–334–7940, Fax #: 336–334–7082, Grant Amount: $466,665
12. Dr. Julius L. Chambers, Chancellor, North Carolina Central University, 1801 Fayetteville Street, Durham, NC 27707, Phone: 919–560–6304, Fax #: 919–560–5014, Grant Amount: $466,665
13. Dr. Alvin J. Schexnider, Chancellor, Winston-Salem State University, 01 MLK, Jr. Drive, Winston Salem, NC 27110, Phone: 336–750–2041, Fax #: 336–750–2049, Grant Amount: $466,665

Oklahoma

14. Dr. Ernest L. Holloway, President, Langston University, P.O. Box 907, Langston, OK 73050, Phone: 405–466–3388, Fax #: 405–466–3461, Grant Amount: $466,665

South Carolina

15. Dr. Leonard Dawson, President, Voorhees College, Denmark, SC 29042, Phone: 803–793–3544, Fax #: 803–793–4584, Grant Amount: $466,665

Texas

16. Dr. Homer M. Hayes, Interim President, Saint Philip's College, 1801 Martin Luther King, Jr. Drive, San Antonio, TX 78203, Phone: 210–531–3591, Fax #: 210–531–3590, Grant Amount: $466,665
17. Dr. Haywood L. Strickland, President, Texas College, P.O. Box 4500, Tyler, TX 75712, Phone: 903–593–8311, Fax #: 903–593–0588, Grant Amount: $400,000

Virginia

18. Dr. Marie V. McDemmond, President, Norfolk State University, 2401 Corprew Avenue, Norfolk, VA 23504, Phone: 757–683–8670, Fax #: 757–823–2342, Grant Amount: $466,665
19. Dr. Thomas M. Law, President, Saint Paul's College, 115 College Drive, Lawrenceville, VA 23868, Phone: 804–848–2636, Fax #: 804–848–0403, Grant Amount: $466,665

West Virginia

20. Dr. Hazo W. Carter, Jr., President, West Virginia State University, P.O. Box 399, Institute, WV 25112, Phone: 304–766–3111, Fax #: 304–768–9842, Grant Amount: $400,000

[FR Doc. 99–27164 Filed 10–18–99; 8:45 am]
BILLING CODE 4210–29–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–395]

South Carolina Electric & Gas Co.; V.C. Summer Nuclear Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) part 50, § 50.60(a) to the South Carolina Electric & Gas Company (the licensee) for operation of the V.C. Summer Nuclear Station, located in Jenkinsville, South Carolina.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the licensee from certain provisions of 10 CFR part 50, § 50.60(a) and 10 CFR part 50, appendix G. The NRC has established requirements in 10 CFR part 50 to protect the integrity of the reactor coolant pressure boundary (RCPB) in nuclear power plants. As part of these requirements, 10 CFR part 50, appendix G requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR part 50, appendix G states that ''[t]he appropriate requirements * * * on pressure-temperature limits and minimum permissible temperature must be met for all conditions.'' Appendix G of 10 CFR part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Code, Section XI, Appendix G limits.

Pressurized water reactor licensees have installed cold overpressure mitigation systems/low temperature overpressure protection (LTOP) systems in order to protect the RCPB from being operated outside of the boundaries established by the P–T limit curves and to provide pressure relief on the RCPB during low temperature overpressurization events. The licensee is required by the V.C. Summer Technical Specifications (TS) to update and submit the changes to its LTOP setpoints whenever the licensee is requesting approval for amendments to the P–T limit curves in the V.C. Summer TS.

Therefore, in order to address the provisions of amendments to the TS P–T limits and LTOP curves, the licensee requested in its submittal dated August 19, 1999, that the staff exempt V.C. Summer from application of specific requirements of 10 CFR part 50, § 50.60(a) and 10 CFR part 50, appendix G, and substitute use of ASME Code Case N–640 as an alternate reference fracture toughness for reactor vessel materials for use in determining the P–T limits.

The proposed action is in accordance with the licensee's application for exemption contained in a submittal dated August 19, 1999, and is needed to support the TS amendment that is contained in the same submittal and is

being processed separately. The proposed amendment would revise the P–T limits of TS 3.4.4 for V.C. Summer related to the heatup, cooldown, and inservice test limitations for the Reactor Coolant System to a maximum of 33 Effective Full Power Years (EFPY). It will also revise TS 3/4/4.9, Low Temperature Overpressure Protection System, to reflect the revised P–T limits of the reactor vessel.

The Need for the Proposed Action

During staff review of this submittal, the staff determined that granting of an exemption for ASME Code Case N–640 is needed to revise the method used to determine the RCS P–T limits, since continued use of the present curves unnecessarily restricts the P–T operating window. Application of the Code case will, therefore, relax the LTOP operating window and reduce potential challenges to the reactor coolant system power-operated relief valves.

In the associated exemption, the staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served by the implementation of this Code case.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that the exemption described above would provide an adequate margin of safety against brittle failure of the V.C. Summer reactor vessel.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impacts. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the V.C. Summer Nuclear Station, dated May 1981.

Agencies and Persons Consulted

In accordance with its stated policy, on October 15, 1999, the staff consulted with the South Carolina State official, Mr. Virgil Autry of the Division of Radioactive Waste Management, Bureau of Land and Waste Management, Department of Health and Environmental Control, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated August 19, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at Fairfield County Library, 300 Washington Street, Winnsboro, South Carolina.

Dated at Rockville, Md., this 15th day of October 1999.

For the Nuclear Regulatory Commission.

Richard L. Emch, Jr.,

Section Chief, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–27353 Filed 10–18–99; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WO–320–1990–02 24 1A]

Extension of Currently Approved Information Collection, OMB Control No. 1004–0176

SUMMARY: Per the Paperwork Reduction Act of 1995, the Bureau of Land Management (BLM) announces its intention to request extension of approval to collect certain information from claimants and operators of potential mine sites on federal lands. The information requirements covered by this information collection are those connected with filing notices of intent to conduct mining operation and plans of operation for hardrock minerals located under the General Mining Law of 1872.

DATES: Submit comments on the proposed information collection by December 20, 1999, to receive full consideration before BLM submits the information collection package to the Office of Management and Budget (OMB).

ADDRESSES: You may: (1) Mail comments to: Regulatory Affairs Group (630), Bureau of Land Management, 1849 C St., N.W., Mail Stop 401 LS, Washington, D.C. 20240; (2) send comments via the Internet to: *WOComment@blm.gov;* or (3) hand-deliver comments to: Bureau of Land Management Administrative Record, Room 401, 1620 L St., N.W., Washington, D.C.

If you send comments via the Internet, please include ''Attn.: 1004–0176'' and your name and return address in your message.

Comments will be available for public review at the L Street address during regular business hours (7:45 am to 4:15 pm), Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard E. Deery, Solid Minerals Group, (202) 452–9353.

SUPPLEMENTARY INFORMATION: Office of Management and Budget (OMB) regulations at 5 CFR 1320.8(d) require BLM to provide a 60-day notice in the **Federal Register** concerning a proposed collection of information to solicit comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c)

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. BLM will analyze any comments sent in response to this notice and include them with its request for extension of approval from OMB under 44 U.S.C. 3501 *et seq.*

In 1980 the BLM published two final rules to establish procedures for managing activities related to prospecting, exploration, mining, and processing on lands subject to the operation of the mining law. These regulations occur at 43 CFR 3802 and 3809 and are referred to collectively as the ''surface management'' regulations by BLM and the public. Under the terms of the regulations, anyone planning to conduct activities on the public lands under the mining law must submit various types of information to BLM to obtain or keep a benefit. Depending on the lands involved in the activity, the information is contained in either a Notice (43 CFR 3809.1–3) or a Plan of Operations (43 CFR 3809.1–4 and 3809.1.–5).

The types of information generally contained within each type of response include: (1) The claimant/operator's name, address, and phone number; (2) the activity's location; (3) when available, the mining claim recordation numbers; (4) a description of the methods and equipment to be employed during the operation; (5) a description of the proposed activity sufficient to locate it on the ground; (6) a description of reclamation and mitigation measures to be employed to prevent unnecessary and undue degradation; and (7) a description of measures to be taken during periods of non-operation.

BLM is not the only approving party in the process of conducting mineral development on public lands. Before the surface management regulations were promulgated, the western states developed their own programs. In recognition of these programs, the regulations at 43 CFR 3809.3–1(a) explicitly rejected a federal preemption of state law and at 43 CFR 3809.3–1(c) allowed for the creation, by memoranda of agreement, of joint federal/state programs for administering and enforcing the regulations. The regulations at 43 CFR 3809.2–2 require claimants/operators to comply with ''pertinent federal and state laws.'' The language acknowledges the large array of federal, state, and local requirements placed on operators by environmental laws and state mining and reclamation laws and regulations.

Submitting all information described in the last two paragraphs is required to obtain and keep a benefit, the use of federal lands to develop federally owned mineral resources pursuant to the General Mining Law of 1872.

BLM estimates that the annual number of respondents is 1,300 and that the total annual burden hours is 25,960. This number is based on an estimated 1,150 notices and 150 plans of operation being filed each year. Estimated burden hours are an average of 16 hours per notice and an average of 32 hours for each plan of operation. BLM is currently reviewing these estimates per the public comments received on the information collection package that it filed in connection with the proposed 3809 regulations. These comments indicated a need to review the burden estimate for plans of operation to determine whether it reflected the actual resources (money, personnel, and time) spent in collecting or compiling the needed information. They also indicated that BLM's information burden was by far larger than the information burden imposed by other federal, state, and local authorities.

To assist us in reviewing the burden estimate for plans of operation, please provide information about the following:

(1) An estimate of the information burden imposed by federal, state, and local authorities other than BLM. A list of the major federal, state, and local permits required for mining operations would be helpful for this purpose; and

(2) An estimate of the information burden imposed by BLM for environmental analysis purposes, whether environmental assessments or environmental impact statements.

BLM will summarize all responses to this notice and include them in the request for OMB approval. All comments will become a matter of public record.

Dated: October 13, 1999.

Carole J. Smith,

Bureau of Land Management, Information Clearance Officer.

[FR Doc. 99–27167 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–84–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–030–1492–00]

Notice of Availability and Extension of Comment Period for the Draft Environmental Impact Statement, Bureau of Land Management, Carson City and Battle Mountain, Nevada Field Offices and Department of the Navy, Naval Air Station, Fallon, NV

AGENCY: Bureau of Land Management, Department of the Interior and Naval Air Station Fallon, Nevada, Department of the Navy.

COOPERATING AGENCIES: Federal Aviation Administration, U.S. Fish and Wildlife Service, U.S. Forest Service, Bureau of Indian Affairs, Yomba Shoshone Tribe, Fallon Paiute-Shoshone Tribe, Walker River Paiute Tribe, Nevada Division of Wildlife, Eureka, Lander, and Churchill County Commissions, and Kingston Town Board.

ACTION: Notice of availability and extension of comment period of a draft environmental impact statement (EIS) for the Naval Air Station Fallon's proposed Fallon Range Training Complex Requirements.

SUMMARY: Pursuant to section 102 (2) (C) of the National Environmental Policy Act (NEPA) and 40 CFR 1500–1508 Council on Environmental Quality Regulations (CEQ), notice is given that the Bureau of Land Management (BLM) Carson City and Battle Mountain, Nevada Field Offices and the Department of the Navy (Navy) Naval Air Station Fallon have jointly prepared, with the assistance of a third-party consultant, a Draft EIS on the proposed Fallon Range Training Complex Requirements, and has made the document available for public and agency review. The original Notice of Availability was published by the Environmental Protection Agency and the BLM in the **Federal Register** on August 13, 1999 and provided for a 60-day comment period with comments due on October 13, 1999. Five public hearings to receive comments on the Draft EIS were conducted in Eureka, Austin, Gabbs, Fallon, and Reno, NV in September, 1999.

DATES: Comments will be accepted until November 12, 1999.

ADDRESSES: Comments should be sent to: Bureau of Land Management, Carson City Field Office, 5665 Morgan Mill Road, Carson City, NV 89701, Attn: Terri Knutson, Project Manager. Comments may also be sent via

electronic mail to the following address: *tknutson@nv.blm.gov* or via fax: (775) 885–6147. A limited number of copies of the Draft EIS may be obtained at the above BLM Field Office in Carson City, NV, as well as, BLM Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820. In addition, the Draft EIS is available on the internet via the Carson City Field Office Home Page at: www.nv.blm.gov/carson.

Comments, including names and addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m.–5:00 p.m.), Monday through Friday, except holidays, and may be published as part of the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. However, we will not consider anonymous comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Terri Knutson, Carson City BLM, at (775) 885–6156 or Gary Foulkes, Battle Mountain BLM, at (775) 635–4060, or Larry Jones, NAS Fallon, at (775) 426–2405.

SUPPLEMENTARY INFORMATION: The Naval Air Station Fallon completed the Fallon Range Training Complex Requirements Document in November 1998 which identifies and updates Navy training on public and Navy-owned lands in central Nevada. This Draft EIS analyzes the environmental impacts associated with the proposed action, three action alternatives, and the no action alternative.

To assist the BLM and Navy in identifying and considering issues and concerns regarding the proposed action and alternatives, comments on the Draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters in the document. Comments may address the adequacy of the Draft EIS and/or the merits of the alternatives formulated and discussed in the document.

After the extended comment period ends for the Draft EIS, comments will be analyzed and considered jointly by the BLM and the Navy in preparing the Final EIS.

Dated: October 13, 1999.

Karl Kipping,

Associate Manager, Carson City Field Office.

[FR Doc. 99–27271 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NV–060–3809]

Notice of Extension of Public Comment Period for the South Pipeline Project Draft Environmental Impact Statement on the Proposed Expansion of Existing Gold Mining/Processing Operations; Lander County, NV

AGENCY: Bureau of Land Management.

COOPERATING AGENCIES: Nevada Division of Wildlife, U.S. Army Corps of Engineers.

ACTION: Notice of extension of public comment period.

SUMMARY: Notice is hereby given that the comment period of the Draft Environmental Impact Statement (EIS) prepared by the Bureau of Land Management (BLM) is extended to November 19, 1999.

DATES: Written comments must be postmarked or otherwise delivered by 4:30 p.m. on November 19, 1999.

ADDRESSES: Written comments should be addressed to the Bureau of Land Management, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, Nevada 89820. Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours (7:30 a.m. to 4:30 p.m.), Monday through Friday, except holidays, and may be published in the EIS. Individual respondents may request confidentiality. If you wish to withhold your name or street address from public review or from disclosure under Freedom of Information Act, you must state this prominently at the beginning of your comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

FOR FURTHER INFORMATION CONTACT: Gary Foulkes at (775) 635–4060.

SUPPLEMENTARY INFORMATION: The end of the comment period, as noted in the Draft EIS for the South Pipeline EIS, was October 5, 1999. The comment period is now extended to November 19, 1999.

Dated: October 12, 1999.

M. Lee Douthit,

Associate Field Manager, Battle Mountain Field Office.

[FR Doc. 99–27194 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–050–1430–00; NMNM 95102]

Public Land Order No. 7415; Withdrawal of Public Land for Datil Well Special Recreation Management Area; New Mexico

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order withdraws 680 acres of public land from surface entry and mining for a period of 20 years, for the Bureau of Land Management to protect scenic, interpretive, educational, and recreational values, and a developed campground within the Datil Well Special Recreation Management Area. The land has been and will remain open to mineral leasing.

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Lois Bell, BLM Socorro Field Office, 198 Neel Avenue, NW, Socorro, New Mexico 87801, 505–835–0412.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Subject to valid existing rights, the following described public land is hereby withdrawn from settlement, sale, location, or entry under the general land laws, including the United States mining laws, (30 U.S.C. Ch. 2 (1994)), but not from leasing under the mineral leasing laws, for the Bureau of Land Management to protect scenic, interpretive, educational, and recreation values and facilities within the Datil Well Special Recreation Management Area:

New Mexico Principal Meridian

T. 2 S., R. 10 W.,
Sec. 10;
Sec. 11, NW¼SW¼.

The area described contains 680 acres in Catron County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

3. This withdrawal will expire 20 years from the effective date of this order unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended.

Dated: October 5, 1999.

John Berry,

Assistant Secretary of the Interior.

[FR Doc. 99–27256 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–MW–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–1430–01–H016; GP9; OR–55154]

Receipt of Application for the Conveyance of Federally-Owned Mineral Interests; Oregon

In Reply Refer to: 2720 (958.1) P.

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This action informs the public of the receipt of an application from the surface estate owner for the acquisition of the Federally-owned mineral estate.

EFFECTIVE DATE: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Pamela Chappel, BLM Oregon/ Washington State Office, P.O. Box 2965, Portland, Oregon 97208, 503–952–6170

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to Section 209 of the Act of October 21, 1976 (90 Stat. 2757), J. Richard Fleming, has filed an application on behalf of Glenn M. Fleming and Barbara C. Fleming, husband and wife, to purchase the Federally-owned mineral estate in the land described below:

Willamette Meridian

T. 9 S., R. 42 E.,
Sec. 20, SW¼NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 28, NW¼ and N½SW¼;
Sec. 29, N½N½
Sec. 32, that portion of the S½ described as follows: Starting at the southeast corner of section 32, thence west along the southerly section line a distance of ¼ mile to the point of beginning. Thence in a straight line on a diagonal to the west quarter corner of said section 32, thence easterly on the section midline a distance of ¾ mile, thence south along the sixteenth line a distance of ½ mile to the point of beginning.

The area described contains 760 acres, more or less, in Baker County, Oregon.

Upon publication of this notice in the **Federal Register**, the mineral interest described above will be segregated to the extent that it will not be open to appropriation under the public land laws including the mining laws. The segregative effect of the application shall termination either upon issuance of a patent or other document of conveyance of such mineral interests, or upon rejection of the application, or two years from the date of filing of the application, June 8, 2002, whichever comes first.

Dated: October 5, 1999.

Robert D. DeViney, Jr.,

Chief, Branch of Realty and Records Services.

[FR Doc. 99–26993 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

Death Valley National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Death Valley National Park Advisory Commission will be held October 27 and 28, 1999; assemble at 8:30 AM on October 27 at Creekside Inn, 725 North Main Street, Bishop California, for a trip to Eureka Dunes and 8:30 AM on October 28 at the Inyo National Forest, 798 North Main Street, Bishop, California.

The main agenda will include:

- Updates on various Development Concept Plans and other plans
- Updates on Fee Demonstration and other programs in the park
- Field trip to various locations within Death Valley National Park

The Advisory Commission was established by PL #03–433 to provide for the advice on development and implementation of the General Management Plan.

Members of the Commission are Janice Allen, Kathy Davis, Michael Dorame, Mark Elllis, Pauline Esteves, Stanley Haye, Sue Hickman, Cal Jepson, Joan Lolmaugh, Gary O'Connor, Alan Peckham, Michael Prather, Wayne Schulz, and Gilbert Zimmerman.

This meeting is open to the public.

Richard H. Martin,

Superintendent, Death Valley National Park.

[FR Doc. 99–27296 Filed 10–18–99; 8:45 am]

BILLING CODE 4710–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Capital Region; Mary McLeod Bethune Council House National Historic Site Advisory Commission, Notice of Public Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Mary McLeod Bethune Council House National Historic Site Advisory Commission will be held on November 4, 1999 at 10 am to 5 pm and on November 5, 1999 at 10 am to 5 pm, at the Washington Plaza, located at 10 Thomas Circle, NW (at Massachusetts Avenue & 14th Street), Washington, DC.

The Advisory Commission was authorized on December 11, 1991, by Public Law 102–211 for the purpose of advising the Secretary of the Interior in the development of a General Management Plan for the Mary McLeod Bethune Council House National Historic Site.

The members of the Commission are as follows: Dr. Bettye Collier-Thomas; Ms. Brandi L. Creighton; Dr. Ramona Edelin; Dr. Sheila Flemming; Dr. Bettye J. Gardner; Ms. Brenda Girton-Mitchell; Dr. Janette Hoston Harris; Dr. Dorothy I. Height; Dr. Savannah C. Jones; Mr. Eugene Morris; Dr. Frederick Stielow; Dr. Rosalyn Terborg-Penn; Mrs. Romaine B. Thomas; Ms. Barbara Van Blake, and Mrs. Bertha S. Waters.

The purpose of the meeting will be to continue planning and developing a general management plan for the Mary McLeod Bethune Council House National Historic Site.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons who wish further information concerning this meeting or who wish to file a written statement or testify at the meeting may contact Ms. Diann Jacox, the Federal Liaison Officer for the Commission, at (202) 673–2402. Minutes of the meeting will be available for public inspection 4 weeks after the meeting at the Mary McLeod Bethune Council House National Historic Site, located at 1318 Vermont Avenue, NW, Washington, DC 20005.

Dated: October 12, 1999.

Terry R. Carlstrom,

Regional Director, National Capital Region.

[FR Doc. 99–27170 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Bureau of Reclamation

[DES 99–46]

Notice of Availability of Draft Environmental Impact Statement/ Environmental Impact Report for the Trinity River Mainstem Fishery Restoration

ACTION: Notice of availability for public comment.

SUMMARY: This notice announces the availability of a joint draft Environmental Impact Statement/ Environmental Impact Report (DEIS/ EIR) for the Trinity River Mainstem Fishery Restoration. The U.S. Fish and Wildlife Service, U.S. Bureau of Reclamation, Hoopa Valley Tribe, and Trinity County prepared a DEIS/EIR to assist the Secretary of the Interior in developing recommendations for permanent instream fishery flow requirements, habitat restoration projects, and operating criteria and procedures for Trinity River Division of the Central Valley Project, California, necessary for the restoration and maintenance of natural production of anadromous fish in the Trinity River. Such recommendations are required by: the January 14, 1981, Secretarial Decision that initiated the Trinity River Flow Evaluation; the Trinity River Basin Fish and Wildlife Management Act (Pub. L. 98–541); and the Central Valley Project Improvement Act (Pub. L. 102–575).

DATES: Written comments on the DEIS/ EIR *must be received on or before* December 8, 1999. Oral or written comments on this DEIS/EIR may be provided at any of the three public hearings. Joint NEPA/CEQA public hearings will be held from 1–3 p.m. and from 6–8 p.m. for each of the following dates and locations:

Tuesday, November 16, 1999 at the Holiday Inn Appaloosa Room, 1900 Hilltop Drive, Redding, California

Thursday, November 18, 1999 at the Sacramento Grand Ballroom, 629 J Street, Sacramento, California

Tuesday, November 23, 1999 at the Eureka Inn Colonnade Room, 518 7th Street, Eureka, California

The Trinity County Board of Supervisors will also hold a CEQA meeting to receive public comment on December 7, 1999, from 7–9 p.m. at Trinity County Library, 211 N. Main St., Weaverville, California.

ADDRESSES: Written comments regarding the DEIS/EIR should be addressed to Mr. Joe Polos, Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, CA 95521. Written comments may also be sent by facsimile to (707) 822–8411. Please see Additional Addresses in the **SUPPLEMENTARY INFORMATION** section for additional information on the availability of the DEIS/EIR.

FOR FURTHER INFORMATION CONTACT: Joe Polos, Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, CA 95521 (707) 822–7201.

SUPPLEMENTARY INFORMATION:

Construction of the Trinity River Division (TRD) of the Central Valley Project (CVP) was completed in 1963. The primary function of the TRD is to store Trinity River water for regulated diversion to the Central Valley of California for agricultural, municipal, and industrial uses. Construction and operation of the TRD resulted in the diversion of up to 90 percent of the average annual discharge in the Trinity River at Lewiston, and blocked access to 109 miles of salmon and steelhead spawning and rearing habitat. Reduced river flows, combined with excessive watershed erosion and encroachment of the river channel by riparian vegetation, caused major changes in the channel morphology resulting in the simplification and degradation of the remaining salmon and steelhead habitat of the Trinity River below the Lewiston. This, in turn, resulted in rapid declines of salmon and steelhead populations following completion of the TRD.

In response to declining fisheries and degraded habitat conditions, the Secretary of the Interior (Secretary) decided in 1981 to increase flows in the Trinity River ranging from 140,000 acre-feet to 340,000 acre-feet annually, with reductions in dry and critically dry years. In addition, the Fish and Wildlife Service was directed to undertake a Flow Evaluation Study to assess fish habitat at various flows, summarize the effectiveness of other instream and watershed restoration activities, and recommend appropriate flows and other measures necessary to better maintain favorable habitat conditions. The Flow Evaluation Study began in October 1984 and was completed in June 1999. In October 1984, the Trinity River Basin Fish and Wildlife Management Act (Management Act) (Pub. L. 98–541) was enacted by Congress with the goal of restoring fish and wildlife populations to pre-TRD levels. The Act provided funding for construction, operation, and maintenance of the 11-item action plan developed by the Trinity River Task Force in 1982.

In 1992, the Central Valley Project Improvement Act (CVPIA) (Public Law 102–575) was passed. Section 3406(b)(23) of the CVPIA provides, through the TRD, an instream release of not less than 340,000 acre-feet of water into the Trinity River to meet Federal trust responsibilities to protect fishery resources of the Hoopa Valley Tribe and to meet the fishery restoration goals of Management Act. The recommendations for mainstem Trinity River fishery restoration will be developed after appropriate consultations with Federal, State, Tribal, local agencies, and affected interests, and after completion of the Flow Evaluation Study.

To restore the natural production of anadromous fish in the Trinity River in accordance with the 1981 Secretarial Decision, the Management Act, and the CVPIA, the DEIS/EIR analyzes the impacts of:

(1) Increased instream releases into the Trinity River to provide anadromous fish habitat and restore fluvial processes,

(2) Implementation of a channel rehabilitation program,

(3) Implementation of a spawning gravel supplementation program,

(4) Implementation of a watershed rehabilitation program, and

(5) Implementation of an Adaptive Management Program.

On October 12, 1994, a notice was published in the **Federal Register** (94 FR 25141) announcing the intent to prepare a joint EIS/EIR on the Mainstem Trinity River Fishery Restoration, and inviting comments on the scope of the EIS/EIR. Comments were received and considered and are reflected in the DEIS/EIR made available for comment through this notice.

The DEIS/EIR is intended to accomplish the following:

(1) Inform the public of the proposed action and alternatives;

(2) Address public comments received during the scoping period;

(3) Disclose the direct, indirect, and cumulative environmental effects of the proposed action and each of the alternatives; and

(4) Indicate any irreversible commitment of resources that would result from implementation of the proposed action.

The Service invites the public to comment on the DEIS/EIR. All comments received will become part of the public record and may be released. The public will have 45 days to review and comment on this DEIS/EIR. Written comments regarding the DEIS/EIR should be addressed to Mr. Joe Polos, Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, CA 95521.

Written comments may also be sent by facsimile to (707) 822–8411. Oral or written comments on this DEIS/EIR may also be provided at any of the three public hearings. This notice is provided pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, as implemented by the Council on Environmental Quality Regulations (40 CFR parts 1500–1508), and the California Environmental Quality Act of 1970, as amended.

The Technical Appendixes (TA) for this DEIS/EIR will be made available upon request from the U.S. Fish and Wildlife Service, Arcata Office, 1125 16th Street, Room 209, Arcata, CA 95521; (707) 822–7201. Documents cited in the DEIS/EIR will be available for viewing in Sacramento (U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2606; 916–414–6464), Arcata (U.S. Fish and Wildlife Service, 1125 16th Street, Room 209; 707–822–7201), and Weaverville (Trinity County Library, 211 N. Main Street, Weaverville, California 96093, 530–623–1373).

Additional Addresses

Copies of the DEIS/EIR, or portions thereof, can be obtained at the following copy centers for duplication and mailing charges at the requesters expense: Sir Speedy, 601 North Market Boulevard, 350, Sacramento, California 95834, (916) 927–7171; Kinko's, 25 Stanyan Blvd, San Francisco, California 94118, (415) 750–1193; and Kinko's, 2021 Fifth Street, Eureka, California 95501, (707) 445–3334.

The DEIS/EIR will be available at the Fish and Wildlife Service website at http://www.ccfwo.r1.fws.gov.

Copies of the DEIS/EIR will be available on compact disc which, along with a summary, can be obtained by contacting the Fish and Wildlife Service, 1125 16th Street, Room 209, Arcata, California 95521, (707) 822–7201. The documents are also available for review at the following government offices and libraries:

Government Offices

Fish and Wildlife Service, Coastal California Fish and Wildlife Office, 1125 16th Street, Room 209, Arcata, California 95521, (707) 822–7201; Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W2606 , Sacramento, California 95825, 916–414–6464.

Libraries

Alameda Free Library, 2264 Santa Clara Avenue, Alameda, California 94501–4506, (510) 748–4669; Beale Memorial Library, 701 Truxtun Ave, Bakersfield, California, 93301, (661) 868–0700; Cesar Chaves Central Library, 605 N. El Dorado St, Stockton, California, (209) 937–8415; California State Library, Information and Reference Center, 914 Capitol Mall, Room 301, Sacramento, California 95814, (916) 654–0261; Colusa County Free Library, 738 Market Street, Colusa, California 95932–2398, (530) 458–7671; Contra Costa County Library, 1750 Oak Park Boulevard, Pleasant Hill, California 94523–4497, (510) 646–6423; Coos Bay Public Library, 525 W. Anderson Ave., Coos Bay, Oregon, 97420, (541) 269–1101; Del Norte County Library District, 190 Price Mall, Crescent City, California 95531–4395, (707) 464–9793; Fresno County Library, Central Branch, 2420 Mariposa St. Fresno, California, (559) 488–3195; Humboldt County Library, 1313 Third Street, Eureka, California 95501–1088, (707) 269–1900; Humboldt State University Library, Humboldt State University, Arcata, California 95521, (707) 826–4939; Lake County Library, 1425 N. High Street, Lakeport, California 95453–3800, (707) 263–8816; Los Angeles Public Library, 630 W. Fifth Street, Los Angeles, California, 90071–2097, (213) 228–7515; Marin County Free Library, 3501 Civic Center Drive, San Rafael, California 94903–4188, (415) 499–6051; Mendocino County Library-Ft. Bragg, 499 E Laurel St. Fort Bragg, California, 95437, (707) 964–2020; Mendocino County Library-Ukiah, 105 N. Main Street, Ukiah, California 95482–4482, (707) 463–4491; Menlo Park Public Library, 800 Alma Street, Menlo Park, California 94025–3460, (650) 858–3460; Merced County Library, 2222 M St., Merced, California, 95340, (209) 385–7434; Modesto Jr. College Library, 425 College Ave, Modesto, California, 95350, (209) 575–6498; Monterey Public Library, 625 Pacific Street, Monterey, California, 93940, (831) 646–3932; Sacramento Public Library, 828 I Street, Sacramento, California 95814–2589, (916) 264–2770; San Francisco Public Library, 100 Larkin Street, San Francisco, California 94102–4796, (415) 557–4400; San Jose Public Library, 180 W. San Carlos Street, San Jose, California 95113–2096, (408) 277–4822; Santa Cruz Public Library, 224 Church Street, Santa Cruz, California 95060–3873, (408) 429–3532; Shasta County Library, 1855 Shasta Street, Redding, California 96001–0460, (530) 225–5769; Siskiyou County Free Library, 719 Fourth Street, Yreka, California 96097–3381, (530) 842–8175; Sonoma County Library, Third and E Streets, Santa Rosa, California 95404–4400, (707) 545–0831; Tehama County Library, 645 Madison Street, Red Bluff, California 96080–3383, (530) 527–0607; Trinity County Free Library, 211 N. Main Street, Weaverville, California 96093–1226, (530) 623–1373; Willows Public Library, 201 N. Lassen St., Willows, California, 95988, 530–934–5156; Central Library, 801 SW. 10th Avenue, Portland, Oregon 97205, (503) 248–5123; and National Clearinghouse Library, 624 Ninth Street, NW, 600, Washington, DC 20425, (202) 376–8110.

Dated: October 14, 1999.

Willie R. Taylor,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 99–27253 Filed 10–18–99; 8:45 am]

BILLING CODE 4310–55–P

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: October 20, 1999 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda for future meeting: none
2. Minutes
3. Ratification List
4. Inv. Nos. 303–TA–13, 701–TA–249, and 731–TA–262, 263, and 265 (Review)(Iron Castings from Brazil, Canada, China, and India)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on October 28, 1999.)
5. Inv. Nos. 731–TA–339 and 340A–340I (Review)(Solid Urea from Armenia, Belarus, Estonia, Lithuania, Romania, Russia, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on October 27, 1999.)
6. Outstanding action jackets: none

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: October 15, 1999.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 99–27352 Filed 10–15–99; 12:24 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[DEA # 179F]

Controlled Substances: 1999 Aggregate Production Quotas

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Notice of final 1999 aggregate production quotas.

SUMMARY: This notice establishes final 1999 aggregate production quotas for controlled substances in Schedules I and II of the Controlled Substances Act (CSA). The DEA has taken into consideration comments received in response to a notice of the proposed revised aggregate production quotas for 1999 published August 20, 1999 (64 FR 45566). No comments were received in response to an interim notice establishing revised 1999 aggregate production quotas published August 27, 1999 (64 FR 46955). The interim notice is adopted with one change, as described below.

EFFECTIVE DATES: October 19, 1999.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Drug Enforcement Administration, Washington, D.C. 20537, Telephone: (202) 307–7183.

SUPPLEMENTARY INFORMATION: Section 306 of the CSA (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for each basic class of controlled substance listed in Schedules I and II. This responsibility has been delegated to the Administrator of the DEA by § 0.100 of Title 28 of the Code of Federal Regulations. The Administrator, in turn, has redelegated this function to the Deputy Administrator of the DEA pursuant to § 0.104 of Title 28 of the Code of Federal Regulations.

On August 20, 1999, a notice of the proposed revised 1999 aggregate production quotas for certain controlled substances in Schedules I and II was published in the Federal Register (64 FR 45566). All interested parties were invited to comment on or object to these proposed aggregate production quotas on or before September 20, 1999.

Several companies commented that the revised aggregate production quotas for amphetamine, dextropropoxyphene, dihydrocodeine, hydromorphone, meperidine, methadone (for sale), methadone intermediate, methylphenidate, and opium were insufficient to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and for the establishment and maintenance of reserve stocks. Two companies included information concerning potential increases in sales due to Y2K concerns.

DEA has taken into consideration the above comments along with the relevant 1998 year-end inventories, initial 1999 manufacturing quotas, 1999 export requirements, and actual and projected 1999 sales. Based on this information, the DEA has adjusted the final 1999 aggregate production quotas for amphetamine, desoxyephedrine, dextropropoxyphene, dihydrocodeine, hydromorphone, methadone (for sale), methadone intermediate and opium to meet the legitimate needs of the United States.

Regarding meperidine and methylphenidate, the DEA has determined that no adjustments of the aggregate production quotas are necessary to meet the 1999 estimated medical, scientific, research and industrial needs of the United States.

In addition, on August 27, 1999, an interim notice establishing revised 1999 aggregate production quotas for amphetamine, codeine (for conversion), hydrocodone (for sale), hydrocodone (for conversion), morphine (for conversion), oxycodone (for sale) and thebaine was published in the **Federal Register** (64 FR 46955). All interested parties were invited to comment on or before September 27, 1999. No comments or objections were received regarding this interim notice. The aggregate production quota for amphetamine has been revised in response to comments received on 64 FR 45566. The remainder of the aggregate production quotas established in the interim notice are adopted without change.

Therefore, under the authority vested in the Attorney General by section 306 of the CSA of 1970 (21 U.S.C. 826), delegated to the Administrator of the DEA by § 0.100 of Title 28 of the Code of Federal Regulations, and redelegated to the Deputy Administrator pursuant to § 0.104 of Title 28 of the Code of Federal Regulations, the Deputy Administrator hereby orders that the final 1999 aggregate production quotas for the following controlled substances, expressed in grams of anhydrous acid or base, be established as follows:

Basic class	Established final 1999 quotas
Schedule I	
2,5-Dimethoxyamphetamine	10,501,000
2,5-Dimethoxy-4-ethylamphetamine (DOET)	2
3-Methylfentanyl	14
3-Methylthiofentanyl	2
3,4-Methylenedioxyamphetamine (MDA)	20
3,4-Methylenedioxy-N-ethylamphetamine (MDEA)	30
3,4-Methylenedioxymethamphetamine (MDMA)	20
3,4,5-Trimethoxyamphetamine	2
4-Bromo-2,5-Dimethoxyamphetamine (DOB)	2
4-Bromo-2,5-Dimethoxyphenethylamine (2-CB)	2
4-Methoxyamphetamine	101,000
4-Methylaminorex	3
4-Methyl-2,5-Dimethoxyamphetamine (DOM)	2
5-Methoxy-3,4-Methylenedioxyamphetamine	2
Acetyl-alpha-methylfentanyl	2
Acetyldihydrocodeine	2
Acetylmethadol	7
Allylprodine	2
Alpha-acetylmethadol	7
Alpha-ethyltryptamine	2
Alphameprodine	2

Basic class	Established final 1999 quotas
Alpha-methadol	2
Alpha-methylfentanyl	2
Alpha-methylthiofentanyl	2
Alphaprodine	2
Aminorex	8
Benzylmorphine	2
Beta-acetylmethadol	2
Beta-hydroxy-3-methylfentanyl	2
Beta-hydroxyfentanyl	2
Betameprodine	2
Beta-methadol	2
Betaprodine	2
Bufotenine	2
Cathinone	9
Codeine-N-oxide	2
Diethyltryptamine	3
Difenoxin	9,000
Dihydromorphine	8
Dimethyltryptamine	4
Heroin	2
Hydroxypethidine	2
Lysergic acid diethylamide (LSD)	57
Mescaline	8
Methaqualone	17
Methcathinone	11
Morphine-N-oxide	2
N,N-Dimethylamphetamine	7
N-Ethyl-1-Phenylcyclohexylamine (PCE)	5
N-Ethylamphetamine	7
N-Hydroxy-3,4-Methylenedioxyamphetamine	4
Noracymethadol	2
Norlevorphanol	2
Normethadone	7
Normorphine	7
Para-fluorofentanyl	2
Pholcodine	2
Propiram	415,000
Psilocin	2
Psilocybin	2
Tetrahydrocannabinols	76,000
Thiofentanyl	2
Trimeperidine	2
Schedule II	
1-Phenylcyclohexylamine	12
1-Piperidinocyclohexanecarbonitrile (PCC)	12
Alfentanil	3,900
Amobarbital	12
Amphetamine	9,174,000
Cocaine	251,000
Codeine (for sale)	58,248,000
Codeine (for conversion)	45,780,000
Desoxyephedrine (942,000 grams of levo-desoxyephedrine for use in a non-controlled, non-prescription product and 166,000 grams for methamphetamine)	1,108,000
Dextropropoxyphene	113,837,000
Dihydrocodeine	301,000
Diphenoxylate	846,000
Ecgonine	151,000
Ethylmorphine	13
Fentanyl	269,000
Glutethimide	2
Hydrocodone (for sale)	20,208,000
Hydrocodone (for conversion)	12,100,000
Hydromorphone	878,000
Isomethadone	12
Levo-alphacetylmethadol (LAAM)	201,000
Levomethorphan	2
Levorphanol	15,000
Meperidine	11,207,000
Metazocine	1
Methadone (for sale)	8,753,000

Basic class	Established final 1999 quotas
Methadone (for conversion)	267,000
Methadone Intermediate	9,580,000
Methamphetamine (for conversion)	1,522,000
Methylphenidate	14,957,000
Morphine (for sale)	12,445,000
Morphine (for conversion)	94,900,000
Nabilone	2
Noroxymorphone (for sale)	25,000
Noroxymorphone (for conversion)	2,067,000
Opium	682,000
Oxycodone (for sale)	18,517,000
Oxycodone (for conversion)	106,000
Oxymorphone	166,000
Pentobarbital	22,037,000
Phencyclidine	40
Phenmetrazine	2
Phenylacetone	10
Secobarbital	1,155,000
Sufentanil	952
Thebaine	31,117,000

The Deputy Administrator further orders that aggregate production quotas for all other Schedules I and II controlled substances included in §§ 1308.11 and 1308.12 of Title 21 of the Code of Federal Regulations remain at zero.

The Office of Management and Budget has determined that notices of aggregate production quotas are not subject to centralized review under Executive Order 12866. This section has been analyzed in accordance with the principles and criteria contained in Executive Order 12612, and it has been determined that this matter does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Deputy Administrator hereby certifies that this action will have no significant impact upon small entities whose interests must be considered under the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* The establishment of aggregate production quotas for Schedules I and II controlled substances is mandated by law and by international treaty obligations. Aggregate production quotas apply to approximately 200 DEA registered bulk and dosage form manufacturers of Schedules I and II controlled substances. The quotas are necessary to provide for the estimated medical, scientific, research and industrial needs of the United States, for export requirements and the establishment and maintenance of reserve stocks. While aggregate production quotas are of primary importance to large manufacturers, their impact upon small entities is neither negative nor beneficial. Accordingly, the Deputy Administrator has determined that this action does not require a regulatory flexibility analysis.

Dated; October 12, 1999.

Donnie R. Marshall,

Deputy Administrator.

[FR Doc. 99–27291 Filed 10–18–99 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Juvenile Justice and Delinquency Prevention

[OJP(OJJDP)–1254]

RIN 1121–ZB88

Coalition of Juvenile Justice; Meeting

AGENCY: Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, Justice.

ACTION: Notice of meeting.

SUMMARY: The Office of Juvenile Justice and Delinquency Prevention is announcing the meeting of the Coalition for Juvenile Justice.

DATES: The meeting dates are:

1. Thursday, November 11, 1999 from 8:00 a.m. until 6:00 p.m. (mountain time zone),

2. Friday, November 12, 1999 from 8:45 a.m. until 4:15 p.m. (mountain time zone),

3. Saturday, November 13, 1999 from 8:30 a.m. until 6:00 p.m. (mountain time zone),

4. Sunday, November 14, 1999 from 8:00 a.m. until 1:00 p.m. (mountain time zone).

ADDRESSES: All meetings will be held at the Little American Hotel, 500 South Main, Salt Lake City, Utah 84114.

FURTHER INFORMATION: For information about how to attend this meeting, contact Freida Thomas, 810 7th Street, NW, Washington, DC 20531; Telephone: (202) 307–5924 [This is not a toll-free number]; Facsimile: (202) 307–2819; E-mail: Freida@ojp.usdoj.gov.

SUPPLEMENTARY INFORMATION: The Coalition of Juvenile Justice, established pursuant to Section 9 of the Federal Advisory Committee Act, 5 U.S.C. App. II, is meeting to carry out its advisory functions under Section 5601 of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. The purpose of this meeting is to discuss and adopt recommendations from members regarding the committee's responsibility to advise the OJJDP Administrator, the President and the Congress about State perspectives on the operation of the OJJDP and Federal legislation pertaining to juvenile justice and delinquency prevention. This meeting will be open to the public.

Dated: October 12, 1999.

Shay Bilchik,

Administrator, Office of Juvenile Justice and Delinquency Prevention.

[FR Doc. 99–27163 Filed 10–18–99; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date and Time: October 27, 1999, 8 am to 5 pm.

Place: NSF, 4201 Wilson Boulevard, Room 330, Arlington, Virginia 22230.

Type of Meeting: Closed.

Contact Person: Dr. Jorn Larsen-Basse, Program Director, Control, Materials and Mechanics Cluster, Division of Civil and Mechanical Systems, Room 545, (703) 306–1361.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY'00 Control, Materials and Mechanics Career Panel proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: October 13, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–27206 Filed 10–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Earth Sciences Proposal Review Panel; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Earth Sciences Proposal Review Panel (1569).

Date and Time: November 8–10, 1999; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 330, Arlington, VA 22230, Room 330.

Type of Meeting: Closed.

Contact Person: Dr. Leonard E. Johnson, Program Director, Continental Dynamics Program, Division of Earth Sciences, Room 785, National Science Foundation, 4201 Wilson Blvd., Arlington, VA (703) 306–1559.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Continental Dynamics proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 13, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–27203 Filed 10–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

NSF 50th Anniversary Public Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: NSF 50th Anniversary Public Advisory Committee (5213).

Date/Time: October 28, 1999; 10 a.m. to 2 p.m.

Place: National Science Foundation, Room 1235, 4201 Wilson Boulevard, Arlington, VA 22230.

Type of Meeting: Open.

Contact Person: Julia A. Moore, Director, Office of Legislative and Public Affairs, Room 1245, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 306–1070.

Purpose of Meeting: To provide advice and recommendations regarding NSF's 50th Anniversary Celebration.

Agenda: Review of programs and initiatives; finalizing of planning for year 2000 events and beyond.

Summary Minutes: May be obtained from the contact person listed above or from William Line, same address, same phone number.

Dated: October 13, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–27204 Filed 10–18–99; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting.

Name: Special Emphasis Panel in Physics (1208).

Date and Time: November 9, 1999; 8:30 a.m.–5 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230, Room 1015.

Type of Meeting: Closed.

Contact Person: Dr. Boris Kayser, Program Director for Theoretical Physics, Division of Physics, telephone (703) 306–1890.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the Theoretical Physics Program at NSF for financial support.

Agenda: To review and evaluate proposals as part of the selection process for awards.

Reason for Closing: the proposals being reviewed include information of a proprietary or confidential nature, including technical information; information on personnel and proprietary date for present and future subcontracts. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 13, 1999.

Karen J. York,

Committee Management Officer.

[FR Doc. 99–27205 Filed 10–18–99; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. STN 50–528]

Arizona Public Service Company; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–41 issued to Arizona Public Service Company for operation of the Palo Verde Nuclear Generating Station Unit 1 located in Maricopa County, Arizona.

The proposed amendment would revise Technical Specification (TS) Section 3.8.4, ''DC Sources—Operating,'' to waive, on a one-time basis, the requirement to perform Surveillance Requirement (SR) 3.8.4.8 for Unit 1 channels A, B, and C.

Battery replacement in Unit 1 was scheduled to be completed during the current refueling outage (1R08, Fall 1999). Because of problems experienced by the vendor of the low specific gravity rectangular cell batteries, four acceptable batteries are not available and the planned battery replacement will not be completed as planned. Unit 1 will, therefore, need to operate for one more cycle with the high specific gravity round cell batteries.

Because the high specific gravity round cell batteries will remain in Unit 1 for an additional cycle, the licensee is required to perform a performance discharge test or a modified performance discharge test in accordance with TS SR 3.8.4.8. SR 3.8.4.8 requires that a performance discharge test be performed to verify battery capacity on a 60-month frequency. The specified frequency for this SR, including the additional time allowed by SR 3.0.2 (1.25 times the interval specified in the frequency), for

three of the Unit 1 batteries (channels A, B, and C) will be exceeded starting in December 1999. The channel D performance discharge test is not due until the next Unit 1 refueling outage (1R09, Spring 2001).

The licensee states that this condition could not be avoided since Palo Verde had planned to replace the batteries during the current Unit 1 refueling outage and the battery vendor was not able to provide four qualified batteries in time for the outage. As late as September 10, 1999, the vendor was still confident that it could provide the replacement batteries for Unit 1. Only two of the four replacement batteries have been received on site.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

Pursuant to 10 CFR 50.91(a)(6) for amendments to be granted under exigent circumstances, the NRC staff must determine that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

Standard 1—Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

No. The proposed change does not involve a significant increase in the probability or consequences of an accident previously evaluated.

The DC power sources are required to ensure that sufficient power is available to supply safety-related equipment required for safe plant shutdown and the mitigation and control of accident conditions. Since the batteries are not accident initiators and are intended to mitigate the consequences of an accident, the delay of the performance discharge test does not involve a significant increase in the probability of an accident previously evaluated.

The purpose of SR 3.8.4.8 is to determine overall battery degradation due to age and usage. This information is then used to determine the expected service life of the battery and when the battery needs to be replaced. The last performance discharge test of the batteries showed that the Unit 1 batteries were capable of supplying over 100 percent of their rated capacity. The highest design basis load demand for these batteries is less than 50 percent of the actual rated capacity of the batteries. There is over 100 percent margin for these batteries. Therefore, the batteries currently have a high capacity and a large margin above the needed capacity.

Since the battery capacity has remained well over 100 percent for two performance discharge tests for channels A, B, and C and for a third performance discharge test for channel D, and the batteries have been installed for less than eight years, deferring the performance discharge test for 18 months will not result in overestimating the expected service life of the batteries.

Since the batteries will be replaced during the next (ninth) refueling outage the remaining installed life of these batteries is 18 months. To demonstrate design basis capability and operability for this period, the service test in SR 3.8.4.7, in addition to the other surveillance tests required by Technical Specification 3.8.4 and Technical Specification 3.8.6, ''Battery Cell Parameters,'' will be performed in lieu of the performance discharge test.

The proposed change does not result in any hardware changes or changes to plant operating practices, nor does it affect plant operation. Therefore, since the batteries have high capacity and significant margin and will perform their design function as intended, this change does not involve a significant increase in the consequences of an accident previously evaluated.

Standard 2—Does the proposed change create the possibility of a new or different kind of accident from any accident previously evaluated?

No. The proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

The DC power sources are required to ensure that sufficient power is available to supply safety-related equipment required for safe plant shutdown and the mitigation and control of accident conditions. The purpose of SR 3.8.4.8 is to determine overall battery degradation due to age and usage. This information is then used to determine the expected service life of the battery and when the battery needs to be replaced. The last performance discharge test of the batteries showed that the Unit 1 batteries were capable of supplying over 100 percent of their rated capacity. The highest design basis load demand for these batteries is less than 50 percent of the actual rated capacity of the batteries. There is over 100 percent margin for these batteries. Therefore, the batteries currently have a high capacity and a large margin above the needed capacity.

Since the battery capacity has remained well over 100 percent for two performance discharge tests for channels A, B, and C and for a third performance discharge test for channel D, and the batteries have been installed for less than eight years, deferring the performance discharge test for 18 months will not result in overestimating the expected service life of the batteries.

Since the batteries will be replaced during the next (ninth) refueling outage the remaining installed life of these batteries is 18 months. To demonstrate design basis capability and operability for this period, the service test in SR 3.8.4.7, in addition to the other surveillance tests required by Technical Specification 3.8.4 and Technical Specification 3.8.6, ''Battery Cell Parameters,'' will be performed in lieu of the performance discharge test.

The proposed change does not change the plant design or configuration (no new or different type of equipment will be installed), or change the method of operation of the plant. The batteries have high capacity and significant margin and will perform their design function as intended. Therefore, this change does not create the possibility of a new or different kind of accident from any previously evaluated.

Standard 3—Does the proposed change involve a significant reduction in a margin of safety?

No. The proposed change does not involve a significant reduction in a margin of safety.

The proposed amendment would waive, on a one time basis, the requirement to perform SR 3.8.4.8 for Unit 1 channels A, B, and C. The surveillance requirement would be waived until the next refueling outage for Unit 1 (1R09 Spring 2001). The purpose of the battery performance test required by this surveillance requirement is to determine overall battery degradation due to age and usage. This information is then used to determine the expected service life of the battery and when the battery needs to be replaced. The last performance discharge test of the batteries showed that the Unit 1 batteries were capable of supplying over 100 percent of their capacity. The highest design basis load demand for these batteries is less than 50 percent of the actual rated capacity of the batteries. There is over 100 percent margin for these batteries. Therefore, the batteries currently have a high capacity and a large margin above the needed capacity.

Since the battery capacity has remained well over 100 percent for two performance discharge tests for channels A, B, and C and for a third performance discharge test for channel D, and the batteries have been installed for less than eight years, deferring the performance discharge test for 18 months will not result in overestimating the expected service life of the batteries.

Since the batteries will be replaced during the next (ninth) refueling outage the remaining installed life of these batteries is 18 months. To demonstrate design basis capability and operability for this period, the service test in SR 3.8.4.7, in addition to the other surveillance tests required by Technical Specification 3.8.4 and Technical Specification 3.8.6, ''Battery Cell Parameters,'' will be performed in lieu of the performance discharge test.

The batteries have demonstrated that they have a high capacity, they have been installed for only a short duration of their expected service life, they have a large margin above the needed capacity, and will perform their design function as intended. Therefore, this proposed change does not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 14 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 14-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 14-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By November 18, 1999, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of the 30-day hearing period, the Commission will make a final determination on the issue of no significant hazards consideration. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by close of business on the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Nancy C. Loftin, Esq., Corporate Secretary and Counsel, Arizona Public Service Company, P.O. Box 53999, Mail Station 9068, Phoenix, Arizona 85072–3999, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests

for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated October 8, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room, located at the Phoenix Public Library, 1221 N. Central Avenue, Phoenix, Arizona 85004.

Dated at Rockville, Maryland, this 13th day of October, 1999.

For the Nuclear Regulatory Commission.

Nageswaran Kalyanam,

Project Manager, Section 2, Project Directorate IV & Decommissioning, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 99–27209 Filed 10–18–99; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27086]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

October 12, 1999.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the applications(s) and/or declaration(s) for complete statements of the proposed transactions(s) summarized below. The application(s) and/or declarations(s) and any amendments is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the applications(s) and/or declaration(s) should submit their view in writing by November 12, 1999, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After November 12, 1999, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

The National Grid Group plc, et al. (70–9519)

The National Grid Group plc ("National Grid"), a public limited company incorporated under the laws of England and Wales, located at National Grid House, Kirby Corner Road, Coventry CV4 8JY, United Kingdom; National Grid (US) Holdings Limited, National Grid (US) Investments, National Grid (Ireland) 1 Limited, National Grid (Ireland) 2 Limited, National Grid General Partnership, and NGG Holdings, Inc. ("Holdings"), also located at National Grid House, Kirby Corner Road, Coventry CV4 8JY, United Kingdom, each of which is a subsidiary of National Grid (except for National Grid, collectively "Intermediate Companies");[1] New England Electric System ("NEES"), a registered holding company; NEES' subsidiaries ("NEES Subsidiaries"), New England Power Company, Massachusetts Electric Company, The Narragansett Electric Company, Granite State Electric Company, Nantucket Electric Company, New England Electric Transmission Corporation, New England Hydro-Transmission Corporation, New England Hydro-Transmission Electric Company, Inc., Vermont Yankee Nuclear Power Corporation, New England Hydro Finance Company, Inc., NEES Global, Inc., NEES Energy, Inc., *All* Energy Marketing Company, L.L.C., Texas Liquids, L.L.C., Texas-Ohio Gas, Inc., Granite State Energy, Inc., New England Power Service Company, Metro West Realty, L.L.C., 25 Research Drive, L.L.C., New England Energy, Inc., and Nexus Energy Software, Inc all located at 25 Westborough Drive, Westborough, Massachusetts 01582, (collectively, "Applicants") have filed a joint application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 32 and 33 of the Act and rules 42, 43, 45, 46, and 54 under the Act.

National Grid, the Intermediate Companies, and NEES have filed an application-declaration (file no 70–9473) under the Act, requesting authority for the proposed acquisition by National Grid of all of the voting securities of NEES, and NGG's consequent indirect acquisition of the voting securities of the NEES Subsidiaries ("Merger"), as well as for certain related transactions (the "Merger Filing").[2] As discussed more fully below, NEES and its subsidiaries, together with National Grid and the Intermediate Companies, now request authority to engage in a variety of financing transactions subsequent to the Merger.[3] In summary, NEES and its subsidiaries seek authority to extend, through May 31, 2003 ("Authorization Period"), the existing authority granted in certain Commission financing orders more particularly described below. In addition, Applicants seek authority for the following transactions through the Authorization Period: (a) external financings by National Grid; (b) intrasystem financings by the Intermediate Companies, NEES and the NEES Subsidiaries ("U.S. Subsidiaries"); (c) the payment by the NEES Subsidiaries of dividends out of capital or unearned surplus; (d) increases in the number of shares authorized by any U.S. Subsidiary with respect to any capital security[4] of the company, as well as alteration of the terms of any capital security, without further Commission authorization; (e) the formation of financing entities and the issuance by those entities of securities authorized to be issued and sold under the authority requested in this filing; and (f) the execution of a system tax allocation agreement.

Applicants state that the proceeds from the sale of securities in external financing transactions will be used for the acquisition, retirement or redemption of securities issued by National Grid or the U.S. Subsidiaries, without the need for prior Commission approval, and for necessary and urgent general and corporate purposes, including: (a) extension or renewal of Merger-Related Debt (as defined below),

[1] National Grid's other operations have been segregated under a newly-formed first-tier subsidiary company, National Grid Holdings Ltd., which will be a foreign utility company within the meaning of Section 33 of the Act.

[2] Immediately after the Merger, NEES will have been merged with and into NGG Holdings, LLC, with NEES as the surviving entity and then merged again into another to-be-formed LLC (which survives) which in turn will have been merged into NGG Holdings, Inc. with NGG Holdings, Inc. as the surviving entity. The term "NEES" refers to both NEES and NGG Holdings, Inc. as the surviving entity.

[3] In addition, NEES and Eastern Utilities Associates ("EUA") have filed an application-declaration (file no. 70–9537) for NEES to acquire all of the outstanding common stock of EUA, including the indirect acquisition of EUA's utility and nonutility subsidiaries. The consummation of the merger between NEES and EUA ("NEES/EUA Merger") is not conditioned on, and is proceeding independently from, the closing of the Merger.

[4] Capital securities includes common stock, preferred stock, other preferred securities, options and/or warrants convertible into common or preferred stock, rights, and similar securities.

(b) the financing, in part, of the capital expenditures of the National Grid system, (c) the financing of working capital requirements of the National Grid system, and (d) other lawful general corporate purposes. The proceeds of external financings will be allocated to companies in the National Grid System in various ways through the proposed intrasystem financing discussed below.

In addition, National Grid seeks authority to finance exempt wholesale generator (''EWG'') and foreign utility company (''FUCO'') investments and operations in an aggregate outstanding amount of up to fifty percent of its consolidated retained earnings at any one time during the Authorization Period. Further, National Grid seeks authority to use its ordinary shares (or associated American Depositary Shares (''ADSs'') or American Depositary Receipts (''ADRs'')) as consideration for acquisitions that are otherwise authorized under the Act and to provide shares for various award and shareholder investment programs.

Specifically, Applicants seek authority for the following:

1. National Grid External Financing

National Grid proposes to issue equity and debt securities, in amounts that, except as noted below, would not aggregate more than $4.0 billion outstanding at any time during the Authorization Period (''Aggregate Limitation''). These securities could include, but would not necessarily be limited to, ordinary shares, preferred shares, options, warrants, long- and short-term debt (including commercial paper), convertible securities, subordinated debt, bank borrowings and securities with call or put options. In addition, National Grid may also enter into currency and interest rate swaps as described below. In addition to the Aggregate Limitation, aggregate outstanding amounts of securities issued by National Grid would be subject to the limits for each type of security described below.[5]

Debt incurred to finance the Merger (''Merger-Related Debt'') would be included in the Aggregate Limitation. Specifically, National Grid has entered into a fully committed bank facility with six banks providing for, among other things, up to $2.750 billion in borrowings, in order to fund the acquisition and to provide other working capital needs for National Grid. Drawings under this facility will have a maturity of three to five years.

a. Ordinary Shares

(1) General

National Grid's common equity consists of ordinary shares, with a par value of 11 13/17 pence each, that are listed on the London Stock Exchange. National Grid currently has a small number of ADSs in the U.S. which trade as ADRs. Prior to the consummation of the Merger, National Grid intends to establish a sponsored ADR program in the U.S. under which ADRs will be listed on a national stock exchange and registered under the Securities Act of 1933, as amended. As a result, National Grid will register under the Securities Exchange Act of 1934, as amended, and file the periodic disclosure reports required of a foreign issuer with the Commission. The request contained in this application with respect to ordinary shares refers to the issuance of ordinary shares directly or through the ADR program and, for purposes of this request, the ADSs and ADRs are not considered separate securities from the underlying ordinary shares. National Grid requests authority to issue up to $500 million in equity[6] through the Authorization Period (''Equity Limitation'').[7]

National Grid seeks authority to use its ordinary shares (or associated ADSs or ADRs) as consideration for acquisitions that are otherwise authorized under the Act. Among other things, transactions may involve the exchange of parent company equity securities for securities of the company being acquired in order to provide the seller with certain tax advantages. The National Grid ordinary shares to be exchanged may, among other things, be purchased on the open market under rule 42 or may be original issue. For purposes of the Aggregate Limitation, National Grid ordinary shares used to fund an acquisition of a company through the exchange of National Grid equity for securities being acquired, would be valued at market value based upon the closing price on the London Stock Exchange on the day before closing of the sale or issuance.

(2) Employee Benefit Plans

In addition to other general corporate purposes, the ordinary shares will be used to fund employee benefit plans. In addition to existing plans,[8] National Grid intends to issue ordinary shares to U.S. employees, following consummation of the Merger, through the introduction of the National Grid U.S. Employee Stock Purchase Plan (the ''U.S. Plan''). The U.S. Plan, which is designed to qualify under Section 423 of the U.S. Internal Revenue Code of 1986, will enable U.S. employees to receive awards of National Grid shares. Following consummation of the Merger, National Grid may wish to adopt other plans to give investment opportunities, to provide retirement benefits, to facilitate deferral of compensation opportunities, and to motivate and retain key executives and other employees (''New Plans''). National Grid requests authority to issue ordinary shares to employees under the existing plans, the U.S. Plan and such additional plans (collectively, ''Plans'') that may be developed for the purposes stated above. All shares issued under the Plans will be subject to the Equity Limitation. Securities issued by National Grid under the Plans will be valued, if ordinary shares, at market value based on the closing price on the London Stock Exchange on the day before the award. Securities issued by National Grid to a plan that are not ordinary shares will be valued based on a reasonable and consistent method applied at the time of the award.

[5] Further, Applicants have proposed that certain other conditions be imposed in the requested order, relating to, among other things, the capitalization and liquidity of National Grid and certain U.S. Subsidiaries.

[6] This would include stock options or warrants that NGG may issue from time to time.

[7] National Grid currently has $754 million (translated at the Noon Buying Rate on March 31, 1999 of $1.61 for one pound) in aggregate principal amount outstanding of 4.25% exchangeable bonds that mature in 2008. These bonds are exchangeable on or prior to February 8, 2008, at the option of the holder, into common stock of National Grid. Should bondholders exchange their bonds prior to maturity, National Grid may issue up to 110 million additional shares of common stock. This would not be included in the Aggregate Limitation or the Equity Limitation.

[8] National Grid currently maintains three employee benefit plans under which its employees may acquire equity interests in the company as part of their compensation. The first is the National Grid 1990 Savings Related Share Option Scheme, under which National Grid offers staff who take out special savings contracts the opportunity to purchase National Grid shares at a discount. The second is The National Grid Executive Share Option Scheme 1990 which is an executive share option plan for its senior executives. Share options have been granted to over 120 senior executives under this plan to a maximum aggregate level of four times base salary for executive directors and lower levels for other participants. Under the plan, options may be exercised after they have been held for a minimum period of three years provided that financial performance targets have been achieved. The third plan, The National Grid Share Match Plan 1996, requires executive directors of NGG to invest 25% of their annual bonuses, net of income tax, in NGG shares. Provided these shares are held for a minimum of three years, the company will provide additional shares equal to the pre-tax equivalent of the investment by the director. A small number of other senior executives may also, but are not required to, participate in the share match.

b. Preferred Securities

National Grid proposes to issue preferred securities from time to time during the Authorization Period. The aggregate outstanding amount of preferred securities would not exceed $100 million. Any issuance of preferred securities would have dividend rates or methods of determining dividend rates, redemption provisions, conversion or put terms and other terms and conditions as National Grid may determine at the time of issuance; provided, however, that the dividend rate on any preferred security of National Grid, when issued, will not exceed 500 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency in which the preferred security is denominated.

c. Debt

National Grid proposes to issue debt securities during the Authorization Period. These securities may include bank debt obligations, commercial paper, and convertible and nonconvertible bonds. Subject to the following conditions, any issuance of debt securities would have the designation, aggregate principal amount, maturity, interest rate(s) or method of determining interest rate(s), terms of payment of interest, redemption provisions, non-refunding provisions, sinking fund terms, conversion or put terms and other terms and conditions as are deemed appropriate at the time of issuance. In addition to the Aggregate Limitation, aggregate outstanding amounts during the Authorization Period of any type of debt securities issued by National Grid would be further subject to the specific limitation described below:

Type of debt	Amount (billion)
Bank Debt	$3.0
Commercial Paper	3.0
Convertible Bonds	1.0
Nonconvertible Bonds	3.0

The interest rate on debt financing of National Grid will not exceed 300 basis points over that for comparable term U.S. treasury securities or government benchmark for the currency in which the debt is denominated. The maturity of any debt security will not exceed fifty years.

Parent-level debt may be issued for the acquisition, retirement or redemption of securities issued by National Grid or the U.S. Subsidiaries, and for necessary and urgent general and corporate purposes, including the servicing of the Merger-Related Debt, the financing of capital expenditures, the financing of working capital requirements, and other lawful general corporate purposes.

d. Interest Rate Management Devices

In order to protect the National Grid System from adverse interest rate movements, the interest rate on the debt portfolio is managed through the use of fixed-rate debt, combined with interest rate swaps, options and option-related instruments with a view to maintaining a significant proportion of fixed rates over the medium term. National Grid states that these transactions will meet the criteria established by the Financial Accounting Standards Board in order to qualify for hedge accounting treatment or will so qualify under generally accepted accounting principles in the United Kingdom.

e. Guarantees

National Grid requests authorization to enter into guarantees, obtain letters of credit, enter into guaranty-type expense agreements or other credit support arrangements (''Guarantees'') with respect to the obligations of the U.S. Subsidiary Companies as may be appropriate to enable these system companies to carry on their respective authorized or permitted businesses. This credit support may be in the form of committed bank lines of credit. Guarantees entered into by National Grid would not be subject to the Aggregate Limitation, but instead would be subject to a separate $2 billion limit (''NGG Guarantee Limitation''), based on the amount at risk.

2. U.S. Subsidiary Financings

a. Existing Financing Authority

NEES and certain of its subsidiaries are currently authorized under various Commission orders to engage in certain financing transactions (''Existing Financing Authority''). Applicants request that the Commission extend the term of the Existing Financing Authority through the Authorization Period. The orders are described below.

By order dated October 29, 1997 (HCAR No. 26768), the Commission authorized Massachusetts Electric Company, Nantucket Electric Company, Nantucket Electric Company, Narragansett Electric Company, New England Hydro-Transmission Electric Co., Inc., New England Power Company and New England Power Service Company (collectively, the ''Borrowing Companies'') to participate in the NEES money pool (''Money Pool'') and to issue and sell commercial paper and short-term, all through October 31, 2001. The Borrowing Companies were authorized to borrow money and/or issue commercial paper up to the following amounts: $150 million for Massachusetts Electric Company, $5 million for Nantucket Electric Company, $100 million for Narragansett Electric Company, 25 million for New England Hydro-Transmission Electric Co., Inc., $375 million for New England Power Company and $12 million for New England Power Service Company. By order dated June 2, 1998 (HCAR No. 26881), the Commission increased the limits on short-term borrowings by New England Power Company from $375 million to $750 million.

By order dated October 9, 1996 (HCAR No. 26589), the Commission authorized NEES to issue and sell short-term notes in a principal amount of up to $100 million at any one time outstanding through October 31, 2001. This authority was amended by order dated December 10, 1997 (HCAR No. 26793), which authorized NEES to borrow up to $500 million. By orders dated March 25, 1998 and November 18, 1998 (HCAR Nos. 26849 and 26942), NEES was also authorized to issue up to two million shares of its common stock, through December 31, 2002, which would be used to acquire the stock or assets of one or more ''energy-related companies,'' within the meaning of rule 58.

In addition to the request for an extension through the Authorization Period of the authority granted in these orders, Applicants request an extension through the Authorization Period of the authority granted in two other orders. Under one order, dated January 27, 1999 (HCAR No. 26969), NEES was authorized to invest up to $50 million in one or more new special purpose subsidiaries that will acquire interests in office and warehouse space that would be leased to associate companies. Further, New England Power Company was authorized by order dated September 25, 1998 (HCAR No. 26918), to repurchase up to five million shares of its common stock from NEES through December 31, 2000.

b. Intrasystem Non-Money Pool Financing

Each of the Intermediate Companies and NEES request authority to issue and sell securities to, and to acquire securities from, its immediate parent and subsidiary companies, respectively. In addition, each of the Intermediate Companies and NEES request authority to provide Guaranties to its direct and indirect subsidiaries. In no case would NEES or any Intermediate Company

borrow, or receive any extension of credit or indemnity from any of its subsidiaries. Securities issuances by NEES will be limited to issuances permitted by the Existing Financing Authority, as such authority may be extended through the Authorization Period by the order requested in this filing. Guaranties issued by NEES on behalf of a NEES subsidiary would not in the aggregate exceed $500 million (''NEES Guarantee Limitation''), based on the amount at risk. Further, each NEES nonutility subsidiary requests authority to provide Guaranties on behalf of any other NEES nonutility subsidiary, to the extent not exempt under rule 45.

c. Money Pool

National Grid requests authority to substitute Holdings, the successor to NEES, as an investor in the Money Pool. In addition, Applicants request authority for National Grid, any Intermediate Company, and any newly formed or acquired or current nonparticipating NEES Subsidiary to participate in the Money Pool as lenders only.

3. Payment of Dividends Out of Capital or Unearned Surplus

National Grid and NEES will account for the Merger using the purchase method of accounting. Under this method of accounting, the Merger will give rise to a substantial level of goodwill which, in accordance with the Commission's Staff Accounting Bulletin No. 54, Topic 5J (''Staff Accounting Bulletin''), will be ''pushed down'' to the NEES Subsidiaries and reflected as additional paid-in-capital in their financial statements. In addition, as a result of the push down of the goodwill, the retained earnings of NEES and the NEES Subsidiaries will be effectively reset to zero as if they were new companies, with the balance being reflected in paid-in capital. Accordingly, Applicants request authorization to pay dividends out of the additional paid-in-capital account up to the amount of NEES Subsidiaries' aggregate retained earnings just prior to the Merger and out of earnings before the amortization of the goodwill after the Merger.

4. Approval of New Tax Allocation Agreement

Applicants request approval of an agreement for the allocation of consolidated tax among National Grid General Partnership and the NEES Group post-Merger (the ''Tax Allocation Agreement''). Approval is necessary because the Tax Allocation Agreement provides for the retention by National Grid General Partnership of certain payments for tax losses that it has incurred solely in connection with acquisition-related debt, rather than the allocation of these losses to subsidiary companies without payment as would otherwise be required by rule 45(c)(5).

5. Changes in Capital Stock of Subsidiaries

Applicants state that the portion of an individual U.S. Subsidiary's aggregate financing to be effected through the sale of equity securities to its immediate parent during the Authorization Period may in some cases exceed the then authorized capital stock of the U.S. Subsidiary. In addition, the U.S. Subsidiary may choose to use other forms of capital securities.[9] Each U.S. Subsidiary requests authority to increase the amount or change the terms of any of its authorized capital securities, without additional Commission approval, as needed to accommodate the sale of additional equity.[10] The terms that may be changed include dividend rates, conversion rates and dates, and expiration dates. These proposed changes to the terms of and increases in the amounts of capital securities affect only the manner in which financing is conducted by the U.S. Subsidiaries and will not alter the terms of limits proposed in the application or those of the Existing Financing Authority.

6. Financing Entities

Applicants seek authority for National Grid and the U.S. Subsidiary Companies to organize and acquire interests in new corporations, trusts, partnerships or other entities (''Financing Entities'') created for the purpose of facilitating financings through their issuance to third parties of securities authorized under this filing or issued under an applicable exemption. Applicants also request authority for these financing entities to issue these securities to third parties in the event these issuances are not exempt under rule 52. In addition, Applicants request authority for the financing entities to transfer the proceeds of the financing to National Grid or any of the U.S. Subsidiaries. Applicants also request authority for the parent of a financing entity to provide Guarantees with respect to that financing entity's obligations in connection with the securities it issues. Any amounts issued by such financing entities to third parties under this authorization will be included in the Aggregate Limitation. However, the underlying debt incurred to transfer the proceeds of those securities would not be included in the Aggregate Limitation and the parent Guarantee of those securities would not be included in the NGG Guarantee Limitation of the NEES Guarantee Limitation.

7. EWG/FUCO-related Financing

As a general matter, National Grid intends to fund its FUCO activities at the level of its first-tier subsidiary, National Grid Holdings Ltd (''UK Holdings''), under which National Grid subsidiaries other than the U.S. Subsidiaries will be segregated.[11] However, under certain circumstances, it may be desirable from time to time for National Grid to provide some investment capital or credit support for FUCO acquisitions or operations. To that end, National Grid is seeking authority to fiance EWG and FUCO investments and operations in an aggregate amount of up to fifty percent of its consolidated retained earnings at any one time outstanding during the Authorization Period.[12]

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 99–27184 Filed 10–18–99; 8:45 am]

BILLING CODE 8010–01–M

[9] As noted above, these securities include common stock, preferred stock, other preferred securities, options and/or warrants convertible into common or preferred stock, rights, and similar securities.

[10] Applicants request that the Commission reserve jurisdiction over changes to the capital stock of any U.S. Subsidiary that is not wholly-owned directly or indirectly by National Grid.

[11] In the Merger Filing, National Grid and NEES have asked that National Grid's investments in UK Holdings, which will claim status as a FUCO under rule 53, not be counted in the determination of ''aggregate investment'' as defined in the rule.

[12] Applicants state that National Grid cannot fully comply with some of the technical requirements of rule 53(a).

DEPARTMENT OF STATE

[Public Notice 3138]

Office of the Deputy Assistant Secretary for Energy, Sanctions, and Commodities; Receipt of Application for a Presidential Permit for Pipeline Facilities To Be Constructed and Maintained on the Border of the United States

AGENCY: Department of State.

SUMMARY: The Department of State has received an application from City of Sumas, Washington requesting a Presidential permit, pursuant to Executive Order 11423 of August 16,

1968, as amended by Executive Order 12847 of May 17, 1993, authorizing City of Sumas to construct and maintain a pipeline to establish an intertie between the municipal water systems of the City of Sumas, Washington and the City of Abbotsford, British Columbia, Canada. The project consists of one 12-inch diameter pipeline of approximately 20 feet in length crossing the International Boundary between the United States and Canada. This application is a revision of the City of Sumas application of April 22, 1999.

DATES: Interested parties are invited to submit, in duplicate, comments relative to this proposal on or before November 15, 1999.

FOR FURTHER INFORMATION CONTACT: William Memler, Energy Producer Country Affairs, Office of International Energy & Commodity Policy, Department of State, Washington, D.C., 20520. (202) 647–4557.

Steve Gallogly,

Director, Office of International Energy & Commodity Policy, Department of State.

[FR Doc. 99–27290 Filed 10–18–99; 8:45 am]

BILLING CODE 4710–07–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ending October 8, 1999

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 *et seq.*). The due date for Answers, Conforming Applications or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–99–6319.

Date Filed: October 5, 1999.

Due Date for Answers, Conforming Applications, or Motions to Modify Scope: November 2, 1999.

Description: Application of Northwest Airlines, Inc. pursuant to 49 U.S.C. Section 41102 and Subpart Q of the Department's Rules of Practice, applies to amend its Experimental Certificate of Public Convenience and Necessity for Route 564 (U.S.-Mexico) to incorporate all of its currently-held U.S.-Mexico exemption authority.

Docket Number: OST–99–5868.

Date Filed: October 7, 1999.

Due Date or Answers, Conforming Applications, or Motions to Modify Scope: November 4, 1999.

Description: Application of Continental Airlines, Inc., pursuant to 49 U.S.C. Section 41102 and Subpart Q, amending its June 21, 1999, application for renewal and amendment of its Route 561 certificate authority to request incorporation of its currently-held U.S.-Mexico exemption authority granted pursuant to its codeshare arrangements with Northwest and Alaska and to withdraw its request that the Department restore its San Diego-Mexico City/Toluca certificate authority.

Dorothy W. Walker,

Federal Register Liaison.

[FR Doc. 99–27238 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD09–99–080]

Great Lakes Regional Waterways Management Forum Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Great Lakes regional waterways management forum will hold a meeting to discuss various waterways management issues. Agenda items will include progress reports from subcommittees on Communications, Outreach, and Navigation; reports from forum members on Cargo Sweeping Enforcement, Salvage Plans, and Waterway User Conflicts, and discussions about the agenda for the next meeting. The meeting will be open to the public.

DATES: The meeting will be held October 20, 1999 from 1 p.m. to 4 p.m.

COMMENTS: Comments or written material must be received on or before October 19, 1999 to be considered during the meeting. Comments received after this date may be considered at a later time. Any written comments and materials received may be reviewed by the public at Commander(map), Ninth Coast Guard District, 1240 E. 9th Street, Room 2069, Cleveland, OH 44199–2060.

ADDRESSES: The meeting will be held in the U.S. Coast Guard Club located on the U.S. Coast Guard Moorings, 1055 East Ninth Street, Cleveland, Ohio. Persons with disabilities requiring assistance to attend this meeting should contact CDR Patrick Gerrity at (216) 902–6049. Comments should be submitted to Commander(map), Ninth Coast Guard District, 1240 E. 9th Street, Cleveland, OH 44199–2060.

FOR FURTHER INFORMATION CONTACT: CDR Patrick Gerrity (map), Ninth Coast Guard District, 1240 E. 9th Street, Cleveland, OH 44199–2060, telephone (216) 902–6049.

Dated: October 6, 1999.

James D. Hull,

Rear Admiral, U.S. Coast Guard, Commander, Ninth Coast Guard District.

[FR Doc. 99–27237 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD8–99–059]

Houston Galveston Navigation Safety Advisory Committee Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC) will meet to discuss the Coast Guard's proposed Ports and Waterways Safety Assessment study of the Houston/Galveston area. The meeting will be open to the public.

DATES: The meeting of HOGANSAC will be held on Tuesday, November 23, 1999 from 10 a.m. to approximately 11:30 p.m. The meeting may adjourn early if all business is finished. Members of the public may present written or oral statements at the meeting.

ADDRESSES: The HOGANSAC meeting will be held in the conference room of the Houston Pilots' Office, 8150 South Loop East, Houston, Texas.

FOR FURTHER INFORMATION CONTACT: Captain Wayne Gusman, Executive Director of HOGANSAC, telephone (713) 671–5199, or Commander Peter Simons, Executive Secretary of HOGANSAC, telephone (713) 671–5164.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given pursuant to the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of the Meeting

Houston/Galveston Navigation Safety Advisory Committee (HOGANSAC). The tentative agenda includes the following:

(1) Opening remarks by the Committee Sponsor (RADM Pluta),

Executive Director (CAPT Gusman) and chairman (Tim Leitzell).

(2) Approval of the September 9, 1999 minutes.

(3) New business. Presentation on Ports and Waterways Safety Assessment

Procedural

This meeting is open to the public. Please note that the meeting may adjourn early if all business is finished. Members of the public may make oral presentations during the meeting. This meeting is in addition to, and will not affect the date of the Committee's next regularly scheduled meeting, Thursday, January 27, 2000.

Information on Services for the Handicapped

For information on facilities or services for the handicapped or to request special assistance at the meetings, contact the Executive Secretary as soon as possible.

Dated: October 1, 1999.

Paul J. Pluta,

Rear Admiral, U.S. Coast Guard Commander, Eighth Coast Guard District.

[FR Doc. 99–27236 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–15–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Additional Airship Design Standards To Allow 13-Passenger Capacity

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of additional design standards.

SUMMARY: This notice announces the availability of additional Airship Design Standards to allow increasing the Skyship 600 passenger capacity from 9 to 13 passengers.

Discussion

The Federal Aviation Administration (FAA) has received an application to amend the type certificate (TC) of the Skyship 600 to increase the maximum passenger capacity from 9 to 13. The regulatory basis for the original Skyship 600 TC is FAA–P–8110–2, ''Airship Design Criteria (ADC).'' The ADC established a level of safety for airships equivalent to Title 14 Code of Federal Regulations (14 CFR) part 23 Normal Category Airplanes, thereby limiting airships to nine passengers. Therefore, additional airworthiness criteria are required to increase the maximum number of passengers above the nine-passenger limit.

AC 21.17–1A, Change 1, ''Type Certification—Airships,'' describes two acceptable criteria for the type certification of airships. The two criteria provide acceptable means, but not the only means, for showing compliance to 14 CFR part 21, § 21.17(b). The ADC provides one of the acceptable criteria. If the ADC airworthiness criteria are inadequate or inappropriate for type certification due to an airship's unique design or design features, AC 21.17–1A, in accordance with 14 CFR § 21.17(b), allows for other criteria to be developed. The FAA must approve these other criteria.

The applicant has proposed criteria, in addition to the ADC, to allow 13-passenger capacity. The additional criteria are the same criteria issued by the British Civil Aviation Authority for 13-passenger Skyship 600 operations in the United Kingdom. The FAA agrees that the additional criteria provide an acceptable level of safety by requiring additional emergency exits. The additional criteria is similar to that of 14 CFR part 23, § 23.807(d)(1)(i), which establishes emergency exit requirements for commuter category airplanes with up to 15 passengers.

The FAA has approved the additional criteria specifically for the passenger seating increase for the Skyship 600. The additional criteria would not necessarily be adequate or appropriate for a similar capacity increase on an airship of different type design.

How To Obtain Copies

A copy of the Skyship 600 13-passenger criteria may be obtained from the FAA, Small Airplane Directorate, Attention: Ms. Terre Flynn, ACE–111, DOT Building, Room 301, 901 Locust, Kansas City, MO 64106–2641.

FOR FURTHER INFORMATION CONTACT: Mike Reyer, Aerospace Engineer, Regulations and Policy Branch, FAA, Small Airplane Directorate; telephone number (816) 329–4131.

Issued in Kansas City, Missouri, on October 7, 1999.

Michael K. Dahl,

Acting Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 99–27285 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Policy Regarding Risk Analysis for Airport Proposals Involving Federal Aid

AGENCY: Federal Aviation Administration (FAA); DOT.

ACTION: Notice of interim policy; request for comments.

SUMMARY: This notice announces the issuance of an interim policy establishing procedures to help proponents identify and analyze the principal risks related to the feasibility of certain airport development proposals for which Federal aid may be requested. Risk analysis is typically eligible for Federal aid when conducted in conjunction with, or in anticipation of, airport master and system planning studies. This interim policy describes the types of proposals for which risk analysis is warranted and the analytical procedures that are typically involved. The primary purpose of the policy is to ensure that proponents are informed early in the planning process about certain risks involving the financial feasibility of development, so that they can make appropriate adjustments. An interim policy is being issued in lieu of a proposed policy to help ensure that development proposals currently being planned are handled in a consistent manner. In formulating this interim policy, the FAA has considered and recognized the analytical practices currently accepted and in use as producing reasonable results. This policy does not intend to disturb those practices, but rather to apply them uniformly. This interim policy may be revised prior to issuance of a final policy pursuant to comments received.

DATES: Comments must be submitted on or before December 20, 1999. Late filed comments will be considered to the extent possible.

ADDRESSES: All comments concerning this proposed policy must be delivered or mailed to Larry Kiernan, Manager, Airport Capacity Branch, Federal Aviation Administration, Room 623, 800 Independence Avenue, SW., Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Larry Kiernan, Manager (APP–410), (202) 267–8784, Airport Capacity Branch, National Planning Division, Office of Airport Planning and Programming, Federal Aviation Administration, Room 623, 800 Independence Avenue, SW., Washington, DC 20591.

SUPPLEMENTARY INFORMATION:

Background

Airport development is primarily a local or state responsibility, but the Federal government often provides substantial financial aid for planning and developing airports listed in the National Plan of Integrated Airport Systems (NPIAS). Federal aid currently accounts for about ¼ of the total public investment in airports. The Federal government typically pays 90% of the cost of eligible planning studies, in order to encourage the development of a safe and efficient airport system and to help local officials make well-informed decisions.

The FAA maintains guidance for the content of typical planning studies. However, some airport development proposals warrant additional, more detailed risk analysis during the planning phase because of the size of the investment and uncertainty whether future activity will achieve forecast levels. The potential consequences of a shortfall in activity includes a corresponding reduction in airport revenues. If the ability to generate adequate revenues cannot be demonstrated in a convincing manner, a project may be considered too risky to permit financing with revenue bonds or other forms of debt financing, which plan an essential role in most large projects. Inadequate revenues could also result in a requirement for an operating subsidy from the general fund of the local sponsoring agency.

A proposal should usually be subjected to detailed risk analysis if it involves an eventual total investment (Federal, State and local) of $25 million or more and has one or more of the following characteristics:

1. The traffic forecast that warrants the proposal involves a substantial change in or reallocation of the local traffic trend.

2. The proposal would compete with other airport facilities for a substantial portion of its traffic. (Examples would include the establishment of passenger and cargo transfer facilities and aircraft maintenance centers that are intended to attract business that would otherwise take place at another airport).

3. A substantial financial commitment is required long in advance of full utilization of the airport. (An example would be land banking for a major new airport).

4. The proposal is intended to serve a technology or innovation that has not yet been widely accepted and implemented. (Examples would include airports to serve future supersonic transports or tilt rotor aircraft).

5. The anticipated cost of the proposal is considerably higher than for proposals providing similar capacity at other locations. (An example would be an off-shore airport built on an artificial island).

6. The proposal does not enjoy strong support from the segment of air transportation that it is intended to serve. (Examples would be a remote transfer airport or a new cargo airport without firm financial commitments from the prospective users).

7. The implementation of the proposal is dependent on the availability of substantial Federal aid. (An example would be a supplemental air carrier airport with little near-term potential for generating revenues through rents and fees).

8. The proposal requires close cooperation by a number of public agencies in order to be implemented. (An example would be a new regional airport intended to replace one or more existing airports or that is expected to provide supplementary capacity to existing airports).

Application

Proposals that are considered potential recipients of Federal aid for planning and/or development, and which, if implemented, involve a total cost (Federal, state, and local) of $25 million or more, will be screened by FAA to determine whether detailed risk analysis is warranted as a part of the planning process. It is anticipated that about 200 projects will be screened annually and about 10 will require detailed analysis.

Initial Screening

Proposals will be screened by FAA Regional Airports Office personnel at the earliest possible time to determine whether special attention should be given to elements of risk. The screening will usually be conducted in conjunction with the initial discussions between the FAA and the project proponent. In addition to the factors mentioned above, an FAA Regional Airports Division Manager may require a detailed risk analysis based on other considerations that, in the Manager's judgment, warrant such action. The requirement that a proposal be analyzed for risk does not constitute an approval or disapproval action. It simply highlights specific aspects of a proposal that should receive special attention during the planning process.

Risk Analysis

Once a proposal has been recommended for analysis, the FAA Regional Airports Office will coordinate with the proponent to ensure that an appropriate analytical process is used to assess the risk and the results are disseminated to interested parties. An analysis should be tailored to the specific characteristics of a proposal, identifying potential risk factors and examining their significance. The selection and implementation of an appropriate analytical process is the responsibility of the proponent of the planning study, with the goal of providing a frank and complete assessment of major risks. The product should be a report that is both easily understood by the general public and consistent with expert opinion within the aviation community. The risk will usually be analyzed as part of a master or system planning study, although the analysis can result in a stand-alone study and report.

Application of Results

The main purpose of risk analysis is to support well-informed development decisions. Risk analysis should begin as soon as possible after conception of a major project and is ideally conducted in an iterative manner that is incorporated into the overall planning process. Information developed by the analysis may be used to modify the scope of the project, and these changes should be identified and implemented as quickly as possible. Changes may affect the underlying purpose of development, activity forecasts, staging of development, scale of development and proposed financing.

More information about the analytical process is included in Appendix 1.

Appendix 1. Analysis Techniques

The possibility that activity may fall short of forecasts, and the potential financial consequences of such a shortfall, are often the primary issues to be addressed.

It is particularly important to determine whether a project is intended to serve the current and probable future local demand for air transportation at a single airport with an effective monopoly position (the usual situation that tends to involve little risk) or if it is intended to compete with other airports for traffic that may be speculative (a situation that can involve substantial risk of failure). The risk of a shortfall in activity can be estimated through sensitivity analysis that examines the assumptions that underlie a forecast, consultation with experts, comparison to forecasts for similar proposals, if any are available, and comparison to regional and national growth projections.

The risk involved in a passenger enplanement forecast can be addressed from a number of perspectives;

1. Examination of the assumptions that underlie the forecast, and comparison to assumptions for official FAA forecasts.

2. Comparison to local, regional, and national historical data and trends.

3. Comparison to forecasts of local, regional, and national aeronautical activity

and information available from the FAA, state aviation agencies, regional planning organizations, and airframe manufacturers.

4. Comparison to population and employment projections for the airport service area.

5. Computation of per capita consumption of air travel and comparison to the historical trend for the airport service area and the nation.

6. Discussion of the forecast with representatives of the air carriers and other segments of aviation serving the area. The opinion of all carriers should be given due consideration, particularly if the proposal is intended to promote competition. The opinion of incumbent carriers should be weighed against the probability of other carriers to serve the market.

7. Discussion of whether the proposal involves traffic currently served at another airport and, if so, the level of certainty that traffic will be transferred.

8. Examination of base data, principal assumptions, and forecasting methodology by a panel of experts convened for that purpose. (This could include peer review by operators of comparable airports). Cargo forecasts can be addressed by:

1. Examination of the assumptions that underlie the forecast.

2. Comparison to local, regional, and national historical data and trends.

3. Comparison to forecasts by metropolitan planning and state aviation agencies. (The FAA does not make detailed forecasts of air cargo.)

4. Comparison to forecasts by experts and industry leaders.

5. Examination and group discussion by an expert panel or peer review group.

6. Discussion with potential airport users, including shippers, air carriers, and tenants.

The financial aspects of a proposal can be examined in the context of a market analysis by estimating capital and operating costs and comparing them to probable sources of funds, including grants, subsidies, and income from rents and fees. The financial feasibility of many proposals can be estimated at an early stage by using guidelines and rules of thumb developed by credit rating agencies for evaluating the viability of revenue bonds. Increasingly detailed estimates can be prepared as the planning process generates more precise data.

Issued in Washington, D.C. on October 14, 1999.

Louise E. Maillett,

Acting Associate Administrator for Airports.

[FR Doc. 99–27288 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Athens and Meigs Counties, Ohio

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Athens and Meigs Counties, Ohio.

FOR FURTHER INFORMATION CONTACT: Dan Dobson, Field Operation Engineer, Federal Highway Administration, 200 N. High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6853.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation (ODOT), will prepare an environmental impact statement (EIS) on a proposal to construct an improved highway from the City of Athens in Athens County to just south of Darwin in Meigs County, Ohio.

An Environmental Assessment was prepared for this proposal and approved by the FHWA with a Finding of No Significant Impact (FONSI) issued on September 10, 1997. Subsequent public comment and changing environmental issues and regulations have resulted in the decision to prepare an EIS.

The existing facility is a two-lane, rural roadway with numerous substandard features, including narrow shoulders, tight curves, steep grades, and numerous access points. The purpose of the project is to provide an improved connection from the existing four-lane US 33 in Athens to the existing four-lane US 33 freeway just south of Darwin. The project will improve safety, increase the efficiency of regional travel, and improve capacity to provide for projected increases in traffic volumes. This project is also intended to provide the transportation infrastructure needed to meet the mobility, access, and economic goals established for Southeastern Ohio in *Access Ohio,* the state's long range transportation plan.

Alternatives under consideration include: (1) Taking no action; (2) upgrading the existing facility; and (3) constructing a highway on new alignment.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A citizens advisory committee will be formed from known interested organizations and stakeholders to provide input on the proposal. One or more public meetings will be held in the Fall of 1999. In addition, a public hearing will be held, expected in the Spring of 2000. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 6, 1999.

Dan Dobson,

Field Operations Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 99–27177 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Fairfield County, OH

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed project in Fairfield County, Ohio.

FOR FURTHER INFORMATION CONTACT: Dan Dobson, Field Operation Engineer, Federal Highway Administration, 200 N. High Street, Room 328, Columbus, Ohio 43215, Telephone: (614) 280–6853.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Ohio Department of Transportation (ODOT), will prepare an environmental impact statement (EIS) on a proposal to construct a four-lane, limited access, divided highway bypassing existing U.S. Route 33 through the City of Lancaster in Fairfield County, Ohio.

Construction of this bypass is considered necessary to relieve congestion and improve safety for local and regional travel. This proposal is intended to be consistent with the mobility, access, and economic goals established for Southeastern Ohio in *Access Ohio,* the state's long range transportation plan.

Alternatives under consideration include: (1) Taking no action; (2)

upgrading the existing facility; and (3) constructing a highway on new alignment. The alternative on new alignment has sub-alternatives providing for various right-of-way locations and interchange options.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A public hearing will be held in late 1999 or early 2000. Public notice will be given of the time and place of the hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

Based upon recent coordination with federal, state and local agencies and input received from public meetings in 1995, 1997 and 1999, no additional formal scoping meeting is planned at this time.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 6, 1999.

Dan Dobson,

Field Operations Engineer, Federal Highway Administration, Columbus, Ohio.

[FR Doc. 99–27176 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; King County and Snohomish County, Washington

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed program of highway, arterial, and high-capacity transit projects in King County and Snohomish County, Washington.

FOR FURTHER INFORMATION CONTACT: Gene Fong, Division Administrator, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, Washington 98501–1284, Telephone: (360) 753–9413; or Michael Cummings, WSDOT Office of Urban Mobility, 401 Second Avenue So., Ste. 300, Seattle, Washington 98104–2862, Telephone: (206) 464–6223.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Washington State Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to improve Interstate 405 (I–405), adjacent arterials, and transit facilities in King County and Snohomish County, Washington. The proposed improvements potentially would include the construction of a range of highway, arterial, bus transit, high-capacity transit, and non-motorized transportation improvements within the I–405 corridor study area between its southern intersection with I–5 in the City of Tukwila and its northern intersection with Interstate 5 (I–5) in Snohomish County, a length of about 30 miles.

Improvements are considered necessary to improve movement of people and goods throughout the corridor and to reduce foreseeable traffic congestion. Alternatives are expected to include: (1) Taking no action; (2) implementing a range of transportation system management (TSM) and transportation demand management (TDM) measures; (3) expanding the capacity of the existing I–405; (4) expanding the capacity and improving the continuity of the adjacent arterial network; (5) expanding the capacity of the existing bus transit system; (6) implementing new high-capacity transit within the corridor; and/or (7) a combination of elements of the preceding alternatives. Also, a variety of land use and development controls by local agencies may be identified in the EIS, but these are not within the jurisdiction of the FHWA.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, affected Indian tribes, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. A series of agency and public scoping meetings will be held in the corridor during October 1999. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: October 4, 1999.

Sharon R. Price,

Environmental Program Manager, FHWA Washington Division.

[FR Doc. 99–27175 Filed 10–18–99 8:45 am]

BILLING CODE 4910-–22–M

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6340]

Notice of Receipt of Petition for Decision That Nonconforming 1991–1992 Toyota Previa Multi-Purpose Passenger Vehicles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1991–1992 Toyota Previa multi-purpose passenger vehicles (MPVs) are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1991–1992 Toyota Previa MPVs that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATE: The closing date for comments on the petition is November 18, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC

20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. § 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

G&K Automotive Conversion, Inc. of Santa Ana, California (''G&K'') (Registered Importer 90–007) has petitioned NHTSA to decide whether 1991–1992 Toyota Previas that were not originally manufactured to conform to all applicable Federal motor vehicle safety standards are eligible for importation into the United States. The vehicles which G&K believes are substantially similar are 1991–1992 Toyota Previas that were manufactured for importation into and sale in the United States and certified by their manufacturer, Toyota Motor Corporation, as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1991–1992 Toyota Previas to their U.S. certified counterpart, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

G&K submitted information with its petition intended to demonstrate that non-U.S. certified 1991–1992 Toyota Previas, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1991–1992 Toyota Previas are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 119 *New Pneumatic Tires for Vehicles other than Passenger Cars,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 203 *Impact Protection foe the Driver from the Steering Control System,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) inscription of the word ''Brake'' on the brake failure indicator lamp lens; (b) installation of a seat belt warning lamp; (c) recalibration of the speedometer/odometer so that it reads in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies.

Standard No. 111 *Rearview Mirrors:* replacement of the passenger side rearview mirror with a U.S.-model component or inscription of the required warning statement on its face.

Standard No. 114 *Theft Protection:* installation of a warning buzzer micro switch and a warning buzzer in the steering lock assembly.

Standard No. 118 *Power-Operated Window Systems:* installation of a relay in the power window system so that the window transport is inoperative when the ignition is switched off on vehicles that are not already so equipped.

Standard No. 120 *Tire Selection and Rims for Motor Vehicles other than Passenger Cars:* installation of a tire information placard.

Standard No. 208 *Occupant Crash Protection:* installation of a seat belt warning buzzer. The petitioner states that the vehicles are equipped with Type 2 seat belts in the front and rear outboard seating positions, and with Type 1 seat belts in the rear center designated seating position.

301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line between the fuel tank and the evaporative emissions collection canister.

The petitioner also states that a vehicle identification number plate must be affixed to the vehicles to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 13, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–27241 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–99–6339]

Notice of Receipt of Petition for Decision That Nonconforming 1990–1992 Audi 100 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1990–1992 Audi 100 passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1990–1992 Audi 100 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is November 18, 1999.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR Part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1990–1992 Audi 100 passenger cars are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1990–1992 Audi 100 passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1990–1992 Audi 100 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1990–1992 Audi 100 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1990–1992 Audi 100 passenger cars are identical to their U.S. certified counterparts with respect to compliance with Standard Nos. 102 *Transmission Shift Lever Sequence * * *,* 103 Defrosting and Defogging Systems, 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion, and* 302 *Flammability of Interior Materials.*

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer to show distance in miles and speed in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of a high mounted stop lamp if the vehicle is not already so equipped.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:*

(a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer; (c) replacement of the driver's side air bag and knee bolsters with U.S.-model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button at the front outboard seating positions, with combination lap and shoulder restraints that release by means of a single push button at the rear outboard seating positions, and with a lap belt in the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* installation of reinforcing door beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line.

Additionally, the petitioner states that bumpers will be replaced on vehicles that do not conform to the Bumper Standard found at 49 CFR Part 581.

The petitioner also states that all vehicles will be inspected prior to importation to ensure that they are equipped with anti-theft devices in compliance with the Theft Prevention Standard found in 49 CFR Part 541 and modified if necessary.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition

described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: October 13, 1999.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 99–27242 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

Office of Hazardous Materials Safety; Notice of Delays in Processing of Exemption Applications

AGENCY: Research and Special Programs Administration, DOT.

ACTION: List of applications delayed more than 180 days.

SUMMARY: In accordance with the requirements of 49 U.S.C. 5117(c), RSPA is publishing the following list of exemption applications that have been in process for 180 days or more. The reason(s) for delay and the expected completion date for action on each application is provided in association with each identified application.

FOR FURTHER INFORMATION CONTACT: J. Suzanne Hedgepeth, Director, Office of Hazardous Materials, Exemptions and Approvals, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW, Washington, DC 20590–0001, (202) 366–4535.

Key to ''Reasons for Delay''

1. Awaiting additional information from applicant
2. Extensive public comment under review
3. Application is technically complex and is of significant impact or precedent-setting and requires extensive analysis
4. Staff review delayed by other priority issues or volume of exemption applications

Meaning of Applications Number Suffixes

N—New application

M—Modification request

PM—Party to application with modification request

Issued in Washington, DC, on September 7, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

Application No.	Applicant	Reason for delay	Estimated date of completion
	New Exemption Applications		
11767–N	Ausimont USA, Inc., Thorofare, NJ	4	11/30/1999
11862–N	The BOC Group, Murray Hill, NJ	4	11/30/1999
11927–N	Alaska Marine Lines, Inc., Seattle, WA	4	11/30/1999
12106–N	Air Liquide America Corporation, Houston, TX	4	11/30/1999
12123–N	Eastman Chemical Co., Kingsport, TN	4	11/30/1999
12125–N	Mayo Foundation, Rochester, MN	4	11/30/1999
12126–N	LaRoche Industries Inc., Atlanta, GA	4	11/30/1999
12138–N	Gas Supply Resources, Inc., Albany, NY	4	11/30/1999
12142–N	Aristech Chemical Corp., Pittsburgh, PA	4	11/30/1999
12146–N	Luxfer Gas Cylinders, Riverside, CA	4	11/30/1999
12148–N	Eastman Kodak Company, Rochester, NY	4	11/30/1999
12156–N	Columbia Falls Aluminum Co., Columbia Falls, MT	4	11/30/1999
12158–N	Hickson Corporation, Conley, GA	4	11/30/1999
12164–N	Rhodia Inc., Shelton, CT	4	11/30/1999
12166–N	Dow Corning Corp., Midland, MI	4	11/30/1999
12171–N	Arichell Technologies, Inc., West Newton, MA	4	11/30/1999
12181–N	Aristech, Pittsburgh, PA	4	11/30/1999
12203–N	Celanese Ltd., Dallas, TX	4	11/30/1999
12205–N	Independent Chemical Corp., Glendale, NY	4	12/31/1999
12206–N	General Electric Silicones, Waterford, NY	4	11/30/1999
12220–N	d/b/a Laird Farms, Waterloo, NY	4	12/31/1999
12230–N	Chemtran Services USA, Inc., Houston, TX	4	11/30/1999
12237–N	Dept. of Defense, Falls Church, VA	4	12/31/1999
12238–N	Eastman Kodak Co., Rochester, NY	4	11/30/1999
12247–N	Weldship Corp., Bethlehem, PA	4	12/31/1999
12248–N	Ciba Specialty Chemicals Corp., High Point, NC	4	12/31/1999
12249–N	Breed Technologies, Inc., Lakeland, FL	4	12/31/1999
12250–N	New Mexico State Highway & Transportation Hwy., Santa Fe, NM	4	12/31/1999
12258–N	JL Shepherd & Associates, San Fernando, CA	4	12/31/1999
12261–N	Medical Equipment & Maintenance Co., Rockville, MD	4	12/31/1999
12269–N	Solutia Inc., St. Louis, MO	4	12/31/1999
12277–N	The Indian Sugar & General Engineering Corp. ISGE, Haryana, TX	4	12/31/1999
12281–N	ABS Group Inc., Houston, TX	4	12/31/1999
12282–N	Defense Technology Corp., Casper, WY	4	12/31/1999
12286–N	FMC Corporation, Philadelphia, PA	4	12/31/1999

Application No.	Applicant	Reason for delay	Estimated date of completion
	Modifications to Exemptions		
6611–M	Gardner Cryogenics, Lehigh Valley, PA	4	11/30/1999
6765–M	Gardner Cryogenics, Lehigh Valley, PA	4	11/30/1999
8723–M	Buckley Powder Company, Englewood, CO	4	11/30/1999
8723–M	Nelson Brothers, Inc., Birmingham, AL	4	12/31/1999
9266–M	ERMEWA, Inc., Houston, TX	4	11/30/1999
10480–M	Gardner Cryogenics, Lehigh Valley, PA	4	11/30/1999
10672–M	Burlington Packaging, Inc., Brooklyn, NY	4	12/31/1999
10821–M	BFI Waste Systems of North America, Inc., Atlanta, GA	4	12/31/1999
10921–M	The Procter & Gamble Company, Cincinnati, OH	4	11/30/1999
10929–M	Consolidated Rail Corporation, Philadelphia, PA	4	11/30/1999
10962–M	International Compliance Center, Mississauga ON L4Z 1X8, CA	4	12/31/1999
10977–M	Federal Industries Corporation, Plymouth, MN	4	11/30/1999
11186–M	Cryenco, Inc., Denver, CO	4	12/31/1999
11248–M	HAZMATPAC, Houston, TX	4	12/31/1999
11327–M	Phoenix Services Limited Partnership, Pasadena, MD	4	11/30/1999
11380–M	Baker Atlas, Houston, TX	4	12/31/1999
11458–M	Reckitt & Colman, Inc., Wayne, NJ	4	12/31/1999
11485–M	Zeneca, Inc., Wilmington, DE	4	12/31/1999
11769–M	Great Western Chemical Company, Portland, OR	4	12/31/1999
11903–M	Comptank Corporation, Bothwell, Ontario, CA	4	12/31/1999
11942–M	Niklor Chemical Company, Long Beach, CA	4	12/31/1999
12063–M	The Hydrocarbon Flow Specialist, Morgan City, LA	4	12/31/1999
12069–M	Compagnie des Containers Reservoirs, Paris, FR	4	12/31/1999
12074–M	Van Hool NV, B–2500 Lier Koningshooikt, BG	4	12/31/1999
12232–M	Bell Helicopter, Hurst, TX	4	12/31/1999

Meaning of Application Number Suffixes:
N—New application.
M—Modification request.
PM—Party to application with modification request.

Issued in Washington, DC, on September 7, 1999.

J. Suzanne Hedgepeth,

Director, Office of Hazardous Materials Exemptions and Approvals.

[FR Doc. 99–27243 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–60–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–303 (Sub–No. 20X)]

Wisconsin Central Ltd.—Abandonment Exemption—in Brown County, WI

Wisconsin Central Ltd. (WCL) has filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a 1.63-mile line of its railroad between milepost 198.37 and milepost 200 in Green Bay, Brown County, WI. The line traverses United States Postal Service Zip Codes 54303 and 54304.

WCL has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) any overhead traffic on the line can be rerouted over other lines; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment— Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on November 18, 1999, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by October 29, 1999. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 8, 1999, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: Michael J. Barron, Jr., Wisconsin Central Ltd., P.O. Box 5062, Rosemont, IL 60017–5062.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

WCL has filed an environmental report which addresses the abandonment's effects, if any, on the environment and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by October 22, 1999. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board,

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines,* 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), WCL shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by WCL's filing of a notice of consummation by October 19, 2000, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: October 12, 1999.

Vernon A. Williams,

Secretary.

[FR Doc. 99–27130 Filed 10–18–99; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. BTS–99–6368]

Notice of Request for Clearance of an Information Collection: Motor Carrier Report Form MP–1

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: This notice announces that a data collection, Motor Carrier Quarterly and Annual Report Form MP–1, is coming up for renewal. BTS uses this form to collect financial and operating data from motor carriers of passengers. In compliance with the Paperwork Reduction Act of 1995, BTS intends to request clearance from the Office of Management Budget (OMB) for this information collection. Before submitting its request, BTS is publishing this notice to invite the general public, industry, and other Federal agencies to comment on the continuing need and usefulness of BTS collecting quarterly and annual financial data from Class I motor carriers of passengers.

DATES: You must submit your written comments by December 20, 1999.

ADDRESSES: Please send comments to the Docket Clerk, Docket No. BTS–99–6368, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590, from 10:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

You only need to submit one copy. If you would like the Department to acknowledge receipt of the comments, you must include a self-addressed stamped postcard with the following statement: Comments on Docket BTS–99–6368. The Docket Clerk will date stamp the postcard and mail it back to you.

If you wish to file comments using the Internet, you may use the U.S. DOT Dockets Management System website at http://dms.dot.gov. Please follow the instructions online for more information.

FOR FURTHER INFORMATION CONTACT: David Mednick, K–1, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–8871, Fax: (202) 366–3640, e-mail: david.mednick@bts.gov.

SUPPLEMENTARY INFORMATION:

Title: Motor Carrier Quarterly and Annual Report, Motor Carriers of Passengers.

OMB Control No.: 2139–0003.

Form No.: BTS Form MP–1.

Type of Review: Extension of a currently approved collection.

Respondents: Class I Motor Carriers of Passengers.

Number of Respondents: Approximately 26.

Estimated Time Per Response: 90 minutes.

Total Annual Burden: 195 hours.

Needs and Uses: Under section 103 of the ICC Termination Act of 1995, Pub. L. 104–88, 109 Stat. 803 (1995) (codified at 49 U.S.C. 14123), the Department of Transportation (DOT) is required to collect annual financial and safety reports from Class I and Class II motor carriers. DOT may also require motor carriers to file quarterly and special reports. In determining the matters to be covered by the reports, DOT must consider (1) safety needs; (2) the need to preserve confidential business information and trade secrets and prevent competitive harm; (3) private sector, academic, and public use of information in the reports; and (4) the public interest. DOT must also streamline and simplify the reporting requirements to the maximum extent practicable. DOT has delegated authority for this program to the Director of BTS.

Under this statutory mandate, BTS has been collecting data on motor carriers of passengers using Form MP–1. This provides quarterly and annual data on number of passengers, operating revenue and expenses, net income, and assets and liabilities. BTS uses it to provide periodic information on the health of the motor carrier of passengers industry, its impact on the economy, and the economy's impact on the industry. The report form accomplishes this with minimal data items to be completed quarterly. Please note that under the statute BTS also collects data on motor carriers of property, using report Forms M and QFR, but these forms are not part of this renewal notice and request for comments.

Request for Comments

BTS requests comments concerning all aspects of this information collection, including (1) the necessity and utility of the information collection for BTS to fulfill its legal mandate under 14 U.S.C. 14123; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. BTS will summarize the comments submitted in response to this notice in its request for OMB clearance.

If you have Internet access, you can get more information about this data collection or see the current report form at http://www.bts.gov/mcs.

Ashish Sen,

Director.

[FR Doc. 99–27280 Filed 10–18–99; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Submission for OMB review; comment request.

SUMMARY: The OCC, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. The OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection that has been extended, revised, or implemented

unless it displays a currently valid Office of Management and Budget (OMB) control number. Currently, the OCC is soliciting comments concerning extension, without change, of an information collection titled Release of Non-Public Information—12 CFR 4. The OCC also gives notice that it has sent the information collection to OMB for review.

DATES: You should submit your written comments to both OCC and the OMB Reviewer by November 18, 1999.

ADDRESSES: You should send your written comments to the Communications Division, Attention: 1557–0200, Third Floor, Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219. In addition, you can send comments by facsimile transmission to (202) 874–5274, or by electronic mail to regs.comments@occ.treas.gov.

FOR FURTHER INFORMATION CONTACT: You may request additional information, a copy of the collection, or a copy of the supporting documentation submitted to OMB by contacting Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division (1557–0200), Office of the Comptroller of the Currency, 250 E Street, SW, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: Release of Non-Public Information—12 CFR 4.

OMB Number: 1557–0200.

Form Number: None.

Abstract: This submission covers an existing regulation and involves no change to the regulation or to the information collections embodied in the regulation. The OCC requests only that OMB renew its approval of the information collections in the current regulation.

The information collection is required to protect non-public OCC information from unnecessary disclosure in order to ensure that national banks and the OCC engage in a candid dialogue during the bank examination process. Individuals who request non-public OCC information are required to provide the OCC with information regarding the requester's legal grounds for the request. Inappropriate release of information would inhibit open consultation between a bank and the OCC.

The information requirements in 12 CFR part 4 are located as follows:

12 CFR 4.33: Request for non-public OCC records or testimony.

12 CFR 4.35(b)(3): Third parties requesting testimony.

12 CFR 4.37(a)(2): OCC former employee notifying OCC of subpoena.

12 CFR 4.37(b)(1)(i): Requests from non-OCC employees or entities to disclose non-public OCC information.

12 CFR 4.37(b)(3)—Other entities notifying OCC of subpoena.

12 CFR 4.38(a) and (b): Agreements to limit dissemination of released information.

12 CFR 4.39: Requests for authentication.

The OCC uses the information to process requests for non-public OCC information and to determine if sufficient grounds exist for the OCC to release the requested information or provide testimony. This information collection makes the mechanism for processing requests more efficient and facilitates and expedites the OCC's release of non-public information and testimony to the requester.

Type of Review: Extension, without change, of a currently approved collection.

Affected Public: Businesses or other for-profit.

Number of Respondents: 110.

Total Annual Responses: 170.

Frequency of Response: On occasion.

Estimated Total Annual Burden: 467 hours.

OCC Contact: Jessie Dunaway or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, OMB No. 1557–0200, Office of the Comptroller of the Currency, 250 E Street SW, Washington, DC 20219.

OMB Reviewer: Alexander Hunt, (202) 395–7340, Paperwork Reduction Project 1557–0200, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

Comments

Your comment will become a matter of public record. You are invited to comment on:

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

(b) Whether the OCC's burden estimate is accurate;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Whether the OCC's estimates of the capital or startup costs and costs of operation, maintenance, and purchase of services to provide information are accurate.

Dated: October 13, 1999.

Mark Tenhundfeld,

Assistant Director, Legislative & Regulatory Activities Division.

[FR Doc. 99–27244 Filed 10–18–99; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8023

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8023, Elections Under Section 338 for Corporations Making Qualified Stock Purchases.

DATES: Written comments should be received on or before December 20, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, Room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Elections Under Section 338 for Corporations Making Qualified Stock Purchases.

OMB Number: 1545–1428.

Form Number: 8023.

Abstract: Form 8023 is used by a corporation that acquires the stock of another corporation to elect to treat the purchase of stock as a purchase of the other corporation's assets. This election allows the acquiring corporation to depreciate these assets and claim a deduction on its income tax return. IRS uses Form 8023 to determine if the election is properly made and as a check against the acquiring corporation's deduction for depreciation. The form is also used to determine if the selling

corporation reports the amount of sale in its income.

Current Actions: There are no changes being made to Form 8023 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 201.

Estimated Time Per Respondent: 20 hr., 8 min.

Estimated Total Annual Burden Hours: 4,048.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 13, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–27150 Filed 10–18–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–868–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–868–89 (TD 8353), Information With Respect to Certain Foreign-Owned Corporations (§§ 1.6038A–2 and 1.6038A–3).

DATES: Written comments should be received on or before December 20, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Information With Respect to Certain Foreign-Owned Corporations.

OMB Number: 1545–1191.

Regulation Project Number: INTL–868–89 (Final).

Abstract: The regulation requires record maintenance, annual information filing, and the authorization of the U.S. corporation to act as an agent for IRS summons purposes. These requirements allow IRS international examiners to better audit the tax returns of corporations engaged in crossborder transactions with a related party.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 63,000.

Estimated Time Per Respondent: 10 hours.

Estimated Total Annual Burden Hours: 630,000 hours.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 12, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–27151 Filed 10–18–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–54–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–54–89 (TD 8444), Applicable Conventions Under the Accelerated Cost Recovery System (§ 1.168(d)–1(b)(7)).

DATES: Written comments should be received on or before December 20, 1999 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Applicable Conventions Under the Accelerated Cost Recovery System.

OMB Number: 1545–1146.

Regulation Project Number: PS–54–89 Final.

Abstract: The regulations describe the time and manner of making the notation required to be made on Form 4562, under certain circumstances when the taxpayer transfers property in certain non-recognition transactions. The information is necessary to monitor compliance with section 168 of the Internal Revenue Code.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and farms.

Estimated Number of Respondents: 700.

Estimated Time Per Respondent: 6 min.

Estimated Total Annual Burden Hours: 70 hours.

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 12, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–27152 Filed 10–18–99; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–165–84]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, FI–165–84, Below-Market Loans (§§ 1.7872–11(g)(1) and 1.7872–11(g)(3)).

DATES: Written comments should be received on or before December 20, 1999, to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this regulation should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Below-Market Loans.

OMB Number: 1545–0913.

Regulation Project Number: FI–165–84 (Notice of proposed rulemaking).

Abstract: Internal Revenue Code section 7872 recharacterizes a below-market loan as a market rate loan and an additional transfer by the lender to the borrower equal to the amount of imputed interest. The regulation requires both the lender and the borrower to attach a statement to their respective income tax returns for years in which they have imputed income or claim imputed deductions under Code section 7872.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 1,631,202.

Estimated Time Per Respondent: 18 min.

Estimated Total Annual Burden Hours: 481,722.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to

minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 12, 1999.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 99–27153 Filed 10–18–99; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Advisory Group to the Commissioner of Internal Revenue; Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: The IRS Advisory Council (IRSAC) will hold a public meeting to present recommendations to the Commissioner of Internal Revenue about modernization planning and implementation for wage and investment, small business and self-employed and large and mid-size business taxpayers. Other topics to be discussed include the overall IRS modernization process, customer service programs, Y2K and the prime contract.

DATES: The meeting will be held, Wednesday, November 10, 1999.

ADDRESSES: The meeting will be held in Room 3313, Main Building, 1111 Constitution Avenue, NW, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Lorenza Wilds; Office of Public Liaison and Small Business Affairs, CL:PL, Room 7559 IR, 1111 Constitution Avenue, NW, Washington, DC 20224, telephone 202–622–5188, not a toll-free number. E-mail address: *public__liaison@m1.irs.gov.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the IRSAC will be held on Wednesday, November 10, 1999, beginning at 8:30 am in Room 3313, main building, 1111 Constitution Avenue, NW, Washington, DC 20224.

Last minute changes to the agenda are possible and could prevent effective advance notice. The meeting will be in a room that accommodates approximately 50 people, including IRSAC members and IRS officials. Due to the limited space and security specifications, please call Lorenza Wilds to confirm your attendance. Ms. Wilds can be reached at (202) 622–5188 (not toll-free). Attendees are encouraged to arrive at least 30 minutes prior to the starting time of the meeting, to allow enough time to clear security at the 1111 Constitution Avenue, NW, entrance.

If you would like for the IRSAC to consider a written statement, please call (202) 622–5081, write to Merci del Toro, Office of Public Liaison, CL:PL, Internal Revenue Service, 1111 Constitution Avenue, NW, Room 7559 IR, Washington, DC 20224, or E-mail at *public__liaison@m1.irs.gov.

Dated: October 12, 1999.

Susanne M. Sottile,

Designated Federal Official, National Director, Office of Public Liaison and Small Business Affairs.

[FR Doc. 99–27149 Filed 10–18–99; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Tuesday
October 19, 1999

Part II

The President

Proclamation 7240—White Cane Safety Day, 1999

Federal Register
Vol. 64, No. 201
Tuesday, October 19, 1999

Presidential Documents

Title 3—

The President

Proclamation 7240 of October 15, 1999

White Cane Safety Day, 1999

By the President of the United States of America

A Proclamation

The white cane is widely recognized as a symbol of independence for people who are blind or visually impaired. This simple device has given freedom to generations of blind Americans by enabling them to move through their communities with greater ease, confidence, and safety.

Dr. Kenneth Jernigan, former President of the National Federation of the Blind who died just a year ago this month, was an early advocate of the white cane and the full integration of blind people into every aspect of society. Dr. Jernigan used the white cane himself and recognized its power as a means to allow blind people to leave the confines of their homes for the outside world—to go to school and to work and to make ever-greater contributions to their communities.

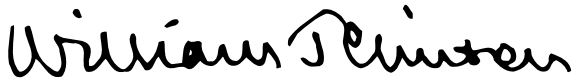
Thanks to enormous advances in technology, people who are blind or visually impaired now have additional tools—such as voice recognition software, computer screen readers, and braille translators—to assist them in carrying out their responsibilities on the job. My Administration has proposed increased investment in such assistive technology as well as a $1,000 tax credit to help people with disabilities offset the cost of special transportation requirements and work-related expenses. I have also strongly urged the Congress to pass the Work Incentives Improvement Act so that Americans with disabilities can go to work without jeopardizing their Medicare or Medicaid coverage.

We can be heartened today that many barriers to full inclusion for blind Americans have been dismantled. But the greatest barrier still remains: the attitude of too many sighted people that those who are blind or visually impaired are incapable of holding their own in the working world. On White Cane Safety Day, let us reaffirm our national commitment to providing equal opportunity for all Americans, regardless of disability.

To honor the many achievements of blind and visually impaired citizens and to recognize the white cane's significance in advancing independence, the Congress, by joint resolution approved October 6, 1964, has designated October 15 of each year as ''White Cane Safety Day.''

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 15, 1999, as White Cane Safety Day. I call upon the people of the United States, government officials, educators, and business leaders to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 99–27455
Filed 10–18–99; 8:45 am]
Billing code 3195–01–P

Federal Register

Tuesday
October 19, 1999

Part III

The President

Proclamation 7241—National Forest Products Week, 1999

Federal Register
Vol. 64, No. 201
Tuesday, October 19, 1999

Presidential Documents

Title 3—

The President

Proclamation 7241 of October 15, 1999

National Forest Products Week, 1999

By the President of the United States of America

A Proclamation

From our earliest days as a Nation, America's forests have played a vital role in fostering our country's economic strength and enhancing the quality of our lives. American Indians and European settlers alike found in our forests the fuel and material for shelter to sustain their families and communities. From those same forests came timber for our fleets of sailing ships and the ties for our railroads that span the continent. Whether working in lumber mills or paper mills, for furniture manufacturers or the building industry, generations of Americans have earned their livelihood from the bounty of our forests.

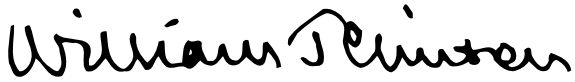
Forests bring more, however, to our lives than economic prosperity. They provide invaluable habitat for a variety of plants and animals, help to keep our air and water clean, and promote soil stability. They also renew our spirits by offering us a place to experience the beauty, peace, and diversity of the natural world.

As our Nation has grown and developed, so too have our demands on our forests. We can be grateful that, despite decades of exploitation, forests still comprise as much as one-third of our country's land area today. Thanks to innovative management techniques, individual and corporate commitment to recycling, and close cooperation between Federal, State, and private land owners, we are succeeding in sustaining the health and productivity of these precious natural resources. Through continued wise stewardship, we can ensure that future generations of Americans will have the same opportunities to share the beauty and bounty of our forests as we enjoy today.

To recognize the importance of our forests in ensuring the long-term welfare of our Nation, the Congress, by Public Law 86–753 (36 U.S.C. 123), has designated the week beginning on the third Sunday in October of each year as ''National Forest Products Week'' and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, do hereby proclaim October 17 through October 23, 1999, as National Forest Products Week. I call upon all Americans to observe this week with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord nineteen hundred and ninety-nine, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 99–27461
Filed 10–18–99; 11:04 am]
Billing code 3195–01–P

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Tuesday, October 19, 1999

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

CFR PARTS AFFECTED DURING OCTOBER

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.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''PLUS'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

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H.R. 2084/P.L. 106–69

Department of Transportation and Related Agencies Appropriations Act, 2000 (Oct. 9, 1999; 113 Stat. 986)

S. 1606/P.L. 106–70

To extend for 9 additional months the period for which chapter 12 of title 11, United States Code, is reenacted. (Oct. 9, 1999; 113 Stat. 1031)

S. 249/P.L. 106–71

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