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Rules and Regulations

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

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DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

7 CFR Part 246

RIN 0584–AC76

Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Certification Integrity

AGENCY: Food and Nutrition Service, USDA.

ACTION: Interim rule.

SUMMARY: This interim rule amends regulations for the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). The rule adds three legislative requirements that affect the application and certification process for the WIC Program. The legislative requirements can be found in the William F. Goodling Child Nutrition Reauthorization Act of 1998. Therefore, this rulemaking requires WIC applicants, except in limited circumstances, to present documentation of family income at certification for those individuals who are not certified based on adjunctive income eligibility procedures; present proof of residency as part of a State agency's system to prevent dual participation; and, physically present themselves at certification. The intent of these provisions is to strengthen the integrity of the WIC certification process.

DATES: The provisions in this interim rule are effective February 22, 2000. To be assured of consideration, written comments must be postmarked on or before April 20, 2000. Since comments are being accepted simultaneously on several separate rulemakings, commenters on this rulemaking are requested to label their comments ''WIC Certification Integrity Rule.''

ADDRESSES: Data faxes of comments may be sent to (703) 305–2196. Comments may be mailed to Patricia Daniels, Director, Supplemental Food Programs Division, Food and Nutrition Service, USDA, 3101 Park Center Drive, Room 540, Alexandria, VA 22302. All written comments will be available for public inspection at this address during regular business hours (8:30 a.m. to 5:00 p.m.) Monday through Friday.

Comments may be sent via email to the following address: WICHQ-SFPD@fns.usda.gov.

FOR FURTHER INFORMATION CONTACT: Debbie Whitford at (703) 305–2730 during regular business hours.

SUPPLEMENTARY INFORMATION:

1. What are the Procedures for Submitting Comments on This Regulation?

As noted above, comments may be sent in one of three ways. You may: (1) Send comments electronically via the Internet to: WICHQ-SFPD@fns.usda.gov, (2) fax comments to 703–305–2196, or (3) mail comments to Patricia Daniels, Director, Supplemental Food Programs Division at the address noted above. In all cases, including when comments are sent via the Internet, please label your comments as ''WIC Certification Integrity Rule'' and include your name, title, and address. Comments are most helpful when a specific section or paragraph of the interim rule is identified, they indicate support, support with modification, or opposition to the specific section or paragraph, and there is an explanation of the reason(s) for any recommended change.

2. What Requirements are in This Regulation?

This regulation requires, with limited exceptions, that WIC agencies require WIC applicants and participants to: (1) Provide proof or documentation of family income in cases where an individual is not determined adjunctively or automatically income eligible; (2) provide proof or documentation of an applicant's residency; and, (3) physically present themselves at the WIC clinic at certification.

3. Why is This Regulation Necessary?

The William F. Goodling Child Nutrition Reauthorization Act of 1998 (Public Law 105–336), enacted October 31, 1998, contains three provisions to strengthen the WIC certification process. These provisions affect all program applicants, including individuals who are currently participating in the program but are re-applying because their certification period is about to expire. The legislative provisions include requiring applicants to: (1) Present documentation of family income at certification for those individuals who are not certified based on adjunctive or automatic income eligibility procedures; (2) present proof of residency at certification, as part of a State agency's system to identify participants participating at more than one WIC site; and, (3) to physically present themselves at certification. Each of these provisions includes exceptions in limited circumstances as noted below.

4. Why is This Regulation an Interim Rule?

As noted above, the provisions of Public Law 105–336 took effect October 1, 1998. Many State agencies were already using a variety of measures to ensure integrity in the certification process. For these State agencies, few if any changes in their operating procedures were necessary to implement the new requirements. Although State agencies are already implementing these provisions, it is important to codify these legislative requirements and ensure consistent application. Therefore, making the WIC certification integrity provisions contained in this rulemaking effective before taking public comment is in the public's interest.

For these reasons, the Administrator has determined in accordance with 5 U.S.C. 553(b) that prior notice and comments would be unnecessary, impracticable, and contrary to public interest.

5. What Does This Regulation Require of WIC Agencies and Applicants and Participants?

a. Documentation of Family Income—Section 246.7(d)(2)(v)

Section 203(a)(3) of Public Law 105–336 added section 17(d)(3)(E) to the Child Nutrition Act (CNA) of 1966 (42 U.S.C. 1786 (d)(3)(E)) to require documentation of adjunct eligibility. This legislative requirement merely

reinforces Section 246.7(d)(2)(vi)(A) of WIC regulations. This section currently requires persons who are adjunctively income eligible to show documentation of eligibility to receive benefits under certain programs when they seek certification or subsequent certification of WIC Program benefits. Adjunctive income eligibility is based on an applicant's or certain family members' current eligibility to receive Food Stamps, Medicaid, or Temporary Assistance for Needy Families (formerly known as Aid to Families With Dependent Children (AFDC).

Additionally, we have determined that Verification of Certification (VOC) cards presented by instream migrant farmworkers and their family members under 7 CFR 246.7(d)(2)(ix) satisfy the new documentation of income requirement of section 17(d)(3)(D) (42 U.S.C. 1786(d)(3)(D)). This is because VOC cards represent documentary evidence of income eligibility related to the specific individuals seeking program benefits. Additionally, due to the unique economic condition of the instream migrant population, VOC cards (supported by an annual determination of each migrant farmworker family's income as required by 7 CFR 246.7(d)(2)(ix)) are a sufficiently accurate measure of a family's income to assure the program integrity goals of Public Law 105–336.

Section 203(a)(2) of Public Law 105–336 added section 17(d)(3)(D) to the CNA which requires that an individual (except for those deemed adjunctively income eligible) seeking certification for participation in the WIC Program must provide documentation of family income, with limited exceptions for: (1) An individual for whom the necessary documentation is not available; or, (2) an individual, such as a homeless woman or child, for whom the agency determines the requirement would present an unreasonable barrier to participation.

This rule adds a definition of ''applicants'' in section 246.2 to clearly identify whose documentation of income or residency must be presented and which individuals must be physically present. As defined, ''applicants'' means pregnant women, breastfeeding women, postpartum women, infants, and children who are applying to receive WIC benefits under the program, and the breastfed infants of applicant breastfeeding women. Applicants include individuals who are currently participating in the program but are reapplying because their certification period is about to expire. In addition, in Section 246.2, this rule adds a definition of ''documentation.'' As defined, ''documentation'' means the presentation of written documents which substantiate statements made by an applicant or participant or a person applying on behalf of an applicant.

(1) Exceptions to the Income Documentation Requirement

As reflected in the legislation, exceptions may be necessary to the requirement for applicants to provide documentation of family income. Therefore, consistent with the law, this rule amends Section 246.7(d)(2)(v)(C) to set forth the legislative exceptions to the income documentation requirement. Such exceptions include individuals for whom: (1) The necessary documentation is unavailable; or, (2) the agency determines the income documentation requirement would present an unreasonable barrier to participation such as in the case of a homeless woman or child. Examples of individuals for whom the necessary documentation is not available include individuals with no income or no proof of income such as an applicant or applicant's parent who is a migrant farmworker or other individual who works for cash. Some applicants may indicate they have no income. In such cases, State and local agencies should discuss in detail with the applicant his/her family size, their living circumstances, and how the individual obtains basic living necessities to establish if, in fact, the individual is truly with minimal or no resources. These are the only exceptions that may be used. When such exceptions are made, the State or local agency must require the applicant to sign a statement specifying why he/she cannot provide documentation of income. This statement is not required when there is no income.

(2) Verification of Income

This rulemaking continues to include a provision, in Section 246.7(d)(2)(v)(D), to afford the State or local agency the authority to verify information it determines necessary to confirm income eligibility for program benefits. Verification is a process whereby the information presented is validated through an external source of information other than the applicant. Verification is encouraged in questionable cases.

b. Dual Participation Prevention—Proof of Residency Section 246.7(l)(2)

Section 203(e) of Public Law 105–336 added section 17(f)(23) to the CNA which requires each WIC State agency to implement a system to identify individuals who are participating at more than one site under the program. Program regulations at Section 246.7(l) already make State agencies responsible for detection and prevention of dual participation.

Currently WIC regulations at Section 246.7(l)(2) require WIC local agencies to check an individual's identity at certification and when issuing food, in a direct distribution or home delivery system, or food instruments in a retail purchase system. However, the regulations give State agencies some flexibility in meeting the requirement to prevent and detect dual participation.

In light of a renewed emphasis on detecting dual participation, as set forth in Public Law 105–336, section 246.7(l)(2) is revised in this interim rule to add the requirement that in addition to checking identity at certification, State and local agencies must require each applicant at certification to present proof of residency.

Proving residency entails establishing the location or address where the applicant routinely lives or spends the night. For an infant or child applicant, documentation of residency must be provided for the person with whom the infant or child resides. In addition, documentation of residency must also be provided by a person who transfers from another area or State and presents a valid Verification of Certification (VOC) card at a new WIC site. Providing a post office box is not sufficient proof of residency. Acceptable forms of proof of residency include current utility bills, rent or mortgage receipts for lodging/housing, or a State/local document that can only be obtained through proof of current State or local residency.

(1) Special Residency Procedures for Indian State Agencies

Section 246.7(c)(1) of the WIC regulations requires all State agencies except Indian State agencies to require applicants to reside within the jurisdiction of the State. Indian/Native American State agencies may establish a requirement for applicants to reside within their area of legal jurisdiction. State agencies also may establish a local service area residency requirement. For WIC purposes, the residency requirement has no durational or formal legal aspect and need not represent a legal residence. Also, length of residency cannot be a prerequisite to receiving WIC benefits.

(2) Exceptions to the Identity and Residency Documentation Requirements

When no proof of residency or identity exists, this rule permits State agencies, in Section 246.7(l)(2), to exempt an applicant from the residency

and/or identity documentation requirements. Applicants who may require an exemption include a victim of theft, loss, or disaster; a homeless individual; or, a migrant farm worker. In such cases, at a minimum, the State or local agency must require the applicant to confirm in writing his/her residency or identity.

c. Physical Presence at WIC Certification—Section 246.7(p)

Section 203(a)(1) of Public Law 105–336 added a new section 17(d)(3)(C) to the CNA which requires individuals seeking participation in the WIC Program to be physically present at the initial WIC certification and subsequent recertifications, except in certain limited circumstances. This requirement is reflected in a new paragraph (p) to Section 246.7. In addition, a definition has been added for an ''individual with disabilities'' in Section 246.2.

This legislative mandate reinforces the Department's long-standing position that the physical presence of an individual at certification is basic to WIC Program effectiveness. The physical presence requirement not only improves program accountability and integrity, it also facilitates an individual's access to other needed health and social services. Physical presence is based on public health standards of practice for nutrition and health assessment. That process entails gathering objective and subjective information about the applicant through observation and physical assessment. WIC has many success stories that can be attributed to a policy of physical presence, that is, observing and assessing women and children who have been found by WIC staff to be in need of immediate medical attention. Physical presence of and staff contact with the applicant also enables the health professional to more effectively tailor WIC food packages, given the applicant's nutritional needs. Requiring physical presence is also beneficial to program clients. It permits the individual to actively participate in nutrition education, including young children, and learn good nutrition and ways to improve their eating habits. In addition, in clinics with other onsite services, the physical presence of WIC applicants can, in many cases, result in the provision of immediate health services such as immunizations or lead screening for children or prenatal care for women.

In establishing a legislative provision to require physical presence, Congress emphasized in the Conference Report accompanying Public Law 105–336 other legislative requirements and policy which are intended to maximize access to the WIC Program and its benefits. Such provisions include accommodating working parents or caretakers to minimize the time they are absent from the workplace for WIC certification purposes such as providing early morning, evening and/or weekend appointments. In addition, parents or caretakers may designate another responsible person as a proxy to bring an infant or child to a WIC appointment along with the required documentation. The use of such policies and procedures by State and local agencies will minimize the potential for barriers that might be created by the physical presence requirement.

The only exceptions to the physical presence requirement as set forth in the legislation are discussed below. Although an applicant may be exempt from the physical presence requirement, State and local agencies must ensure that all necessary income, identity and other documentation are provided in order to make a WIC eligibility determination in the absence of the applicant. The applicant's parent, caretaker or proxy can bring in the documents necessary to determine eligibility for WIC.

The length of time an applicant may be exempt from the physical presence requirement is limited to the certification period for which it was provided in the case of short-term situations or conditions. At reapplication, the need for the applicant's physical presence must be reassessed. In the case of long-term or permanent conditions, an extended exception to the physical presence requirement may be required.

(1) Exceptions for Reasonable Accommodation of Disabilities for Women, Infants or Children

Section 203(a)(1)(C)(i) of Public Law 105–336 exempts from the physical presence requirement WIC applicants protected by the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 *et seq.*) and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). The Rehabilitation Act has applied to the WIC Program since its enactment in 1973, therefore, State agencies should already be in compliance.

Section 504 of the Rehabilitation Act prohibits discrimination on the basis of disability in any program or activity that either receives Federal financial assistance (such as the WIC Program) or is conducted by any Executive agency or the United States Postal Service. Section 504 applies to all aspects of the delivery of WIC benefits, not just the physical presence requirement. USDA regulations implementing Section 504 are found at 7 CFR Part 15b. The ADA prohibits discrimination on the basis of disability in employment, State and local government, public accommodations, commercial facilities, transportation, and telecommunications. It also applies to the United States Congress.

Section 15b.3 of the USDA regulations concerning the Rehabilitation Act defines a ''handicapped person'' as a person who has a physical or mental impairment that substantially limits one or more major life activities, a person who has a history or record of such an impairment, or a person who is perceived by others as having such an impairment. Neither the Rehabilitation Act, the ADA, nor the USDA regulations specifically names all of the impairments that are covered. ''Major life activities'' include functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. This rule amends section 246.2 to define an ''individual with disabilities'' to mean a handicapped person as defined by 7 CFR 15b.3.

Under the Rehabilitation Act and USDA's regulations, WIC agencies may not deny a qualified handicapped person the opportunity to participate in the WIC Program. Therefore, as set forth by this rule in section 246.7(p)(2), if an applicant, or parent or caretaker of an applicant, is a qualified individual with disabilities and is unable to be physically present at the WIC clinic because of their disabilities, the individual may be certified without being physically present. All persons with disabilities are *not* automatically exempt from the physical presence requirement. Only those disabilities that create a current barrier to the physical presence requirement may serve as a basis for an exception from the requirement. In this rulemaking, Section 246.7(p)(2)(i)(A)–(C) specifies that such conditions include: (1) A medical condition that necessitates the use of medical equipment that is not easily transportable; (2) a medical condition that requires confinement to bed rest; or (3) a serious illness that may be exacerbated by coming in to the clinic.

(2) State Agency Option to Exempt Certain Infants or Children

In addition to the legislative exception discussed above, Section 203(a)(1)(ii) of Public Law 105–336 amends section 17(d)(3) of the CNA by providing State agencies the option, if physical presence would present an unreasonable barrier to participation, to exempt certain infants or children from

the physical presence requirement in the following situations:

An infant or child:

• Who was present at his/her initial WIC certification; and

• Has documented ongoing health care from a provider other than the local agency; or

An infant or child:

• Who was present at his/her initial WIC certification; and

• Was present at a WIC certification or recertification determination within the 1-year period ending on the date of the most recent certification or recertification determination; and

• Is under the care of one or more working parents or one or more primary working caretakers whose working status presents a barrier to bringing the infant or child in to the WIC clinic.

d. Certification Forms Section 246.7(i)

Finally, this rule requires in Sections 246.7(i)(3)–(i)(5) that the certification form or other form, which may be paper or electronic, reflect the type of document(s) used to determine or confirm income eligibility, residency and identity or include a copy of the document(s) in the file. In those cases where there is no proof of income, the file must include a copy of the written statement by the applicant indicating why he/she cannot provide documentation of income. Further, in applicable cases, the file must specify if the applicant has no income.

This section also requires an indication of whether the applicant is physically present at certification, and if not, the reason why an exception was granted or a copy of a document(s) in the file which explains the reason for the exception. Documentation of physical presence may consist of simply checking off an appropriate annotated box on a form (paper or electronic). These requirements are necessary for program integrity, accountability and audit purposes.

6. Procedural Matters

Executive Order 12866

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

Regulatory Flexibility Act

This rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). Pursuant to that review, Samuel Chambers, Jr., Administrator, Food and Nutrition Service, has certified that this rule would not have a significant impact on a substantial number of small entities. This rule would modify WIC certification procedures. Therefore, the effect of these changes would be primarily on State and local WIC agencies, some of which are small entities. However, the impact on small entities is not expected to be significant.

Executive Order 12372

The WIC Program is listed in the Catalog of Federal Domestic Assistance Programs under 10.557. For the reasons set forth in the final rule in 7 CFR part 3015, Subpart V, and related Notice (48 FR 29115), this program is included in the scope of Executive Order 12372 which requires intergovernmental consultation with State and local officials.

Executive Order 12988

This interim rule has been reviewed under Executive Order 12988, Civil Justice Reform. This interim rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions or which would otherwise impede its full implementation. This rule is not intended to have retroactive effect unless so specified in the **DATES** section of the preamble of this interim rule. Prior to any judicial challenge to the application of the provisions of the interim rule, all applicable administrative procedures must be exhausted.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 ((UMRA) (2 U.S.C. 1531–38)) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local and tribal governments and the private sector. Under section 202 of the UMRA, the Food and Nutrition Service (FNS) generally must prepare a written statement, including a cost benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local or tribal governments, in the aggregate, or the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 204 of the UMRA generally requires FNS to identify and consider a reasonable number of regulatory alternatives and adopt the most cost effective or least burdensome alternative that achieves the objectives of the rule.

This interim rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State, local and tribal governments or the private sector of $100 million or more in any one year. Thus, the rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act of 1995

This regulation contains information collection that is subject to review and approval by the Office of Management and Budget. The information collection contained in Section 246.7(i)(3)–(i)(5) of this regulation is approved under OMB No. 0584–0043.

List of Subjects in 7 CFR Part 246

Food assistance programs, Food donations, Grant programs—Social programs, Indians, Infants and children, Maternal and child health, Nutrition education, Public assistance programs, WIC, Women.

For the reasons set forth in the preamble, 7 CFR part 246 is amended as follows:

PART 246—SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS AND CHILDREN

1. The authority citation for part 246 continues to read as follows:

Authority: 42 U.S.C. 1786.

2. In § 246.2, add new definitions of *Applicants, Documentation,* and *Individual with disabilities* in alphabetical order to read as follows:

§ 246.2 Definitions.

* * * * *

Applicants means pregnant women, breastfeeding women, postpartum women, infants, and children who are applying to receive WIC benefits, and the breastfed infants of applicant breastfeeding women. Applicants include individuals who are currently participating in the program but are re-applying because their certification period is about to expire.

* * * * *

Documentation means the presentation of written documents which substantiate statements made by an applicant or participant or a person applying on behalf of an applicant.

* * * * *

Individual with disabilities means a handicapped person as defined in 7 CFR 15b.3.

* * * * *

3. In § 246.7:

a. revise paragraph (d)(2)(v);

b. revise paragraph (d)(2)(ix)

c. redesignate paragraphs (i)(3) through (i)(9) as paragraphs (i)(5) through (i)(11);

d. add new paragraphs (i)(3) and (i)(4);

e. revise newly redesignated paragraph (i)(5);

f. revise paragraph (l)(2); and

g. add new paragraph (p).

The additions and revisions read as follows:

§ 246.7 Certification of participants.

* * * * *

(d) * * *

(2) * * *

(v) *Are applicants required to document income eligibility?* (A) *Adjuctively/automatically income eligible applicants.* The State or local agency must require applicants determined to be adjunctively or automatically income eligible to document their eligibility for the program that makes them income eligible as set forth in paragraph (d)(2)(vi) of this section.

(B) *Other applicants.* The State or local agency must require all other applicants to provide documentation of family income at certification.

(C) *Exceptions.* The income documentation requirement does not apply to an individual for whom the necessary documentation is not available or an individual such as a homeless woman or child for whom the agency determines the income documentation requirement would present an unreasonable barrier to participation. Examples of individuals for whom the necessary documentation is not available include those with no income or no proof of income (such as an applicant or applicant's parent who is a migrant farmworker or other individual who works for cash). These are the only exceptions that may be used. When using these exceptions, the State or local agency must require the applicant to sign a statement specifying why he/she cannot provide documentation of income. Such a statement is not required when there is no income.

(D) *Verification.* The State or local agency may require verification of information it determines necessary to confirm income eligibility for Program benefits.

* * * * *

(ix) *Are instream migrant farmworkers and their family members required to document income eligibility?* Certain instream migrant farmworkers and their family members with expired Verification of Certification cards shall be declared to satisfy the State agency's income standard and income documentation requirements. Such cases include when income of that instream migrant farmworker is determined at least once every 12 months. Such families shall satisfy the income criteria in any State for any subsequent certification while the migrant is instream during the 12-month period following the determination. The determination can occur either in the migrant's home base area before the migrant has entered the stream for a particular agricultural season, or in an instream area during the agricultural season.

* * * * *

(i) * * *

(3) An indication of whether the applicant was physically present at certification and, if not, the reason why an exception was granted or a copy of the document(s) in the file which explains the reason for the exception;

(4) A description of the document(s) used to determine residency and identity or a copy of the document(s) used or the applicant's written statement when no documentation exists;

(5) Information regarding income eligibility for the Program as specified in paragraph (d) of this section as follows:

(i) A description of the document(s) used to determine income eligibility or a copy of the document(s) in the file;

(ii) An indication that no documentation is available and the reason(s) why or a copy of the applicant's written statement explaining such circumstances; or

(iii) An indication that the applicant has no income.

* * * * *

(l) * * *

(2) At certification, the State or local agency must require each applicant to present proof of residency (i.e., location or address where the applicant routinely lives or spends the night) and proof of identity. The State or local agency must also check the identity of participants, or in the case of infants or children, the identity of the parent or guardian, or proxies when issuing food or food instruments. The State agency may authorize the certification of applicants when no proof of residency or identity exists (such as when an applicant or an applicant's parent is a victim of theft, loss, or disaster, a homeless individual, or a migrant farmworker). In these cases, the State or local agency must require the applicant to confirm in writing his/her residency or identity.

* * * * *

(p) *Are applicants required to be physically present at certification?* (1) *In general.* The State or local agency must require all applicants to be physically present at each WIC certification.

(2) *Exceptions.* (i) *Disabilities.* The State or local agency must grant an exception to applicants who are qualified individuals with disabilities and are unable to be physically present at the WIC clinic because of their disabilities or applicants whose parents or caretakers are individuals with disabilities that meet this standard. Examples of such situations include:

(A) A medical condition that necessitates the use of medical equipment that is not easily transportable;

(B) A medical condition that requires confinement to bed rest; and

(C) A serious illness that may be exacerbated by coming in to the WIC clinic.

(ii) *Receiving ongoing health care.* The State agency may exempt from the physical presence requirement, if being physically present would pose an unreasonable barrier, an infant or child who was present at his/her initial WIC certification *and* has documented ongoing health care from a health care provider other than the WIC local agency.

(iii) *Working parents or caretakers.* The State agency may exempt from the physical presence requirement an infant or child who was present at his/her initial WIC certification *and* was present at a WIC certification or recertification determination within the 1-year period ending on the date of the most recent certification or recertification determination *and* is under the care of one or more working parents or one or more primary working caretakers whose working status presents a barrier to bringing the infant or child in to the WIC clinic.

Dated: January 13, 2000.

Samuel Chambers, Jr.,

Administrator, Food and Nutrition Service.

[FR Doc. 00–1489 Filed 1–20–00; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–05–AD; Amendment 39–11519; AD 2000–01–51]

RIN 2120–AA64

Airworthiness Directives; CL–604 Variant of Bombardier Model Canadair CL–600–2B16 Series Airplanes Modified in Accordance With Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2000–01–51 that was sent previously by individual notices to all known U.S. owners and operators of Model CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes modified in accordance with Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D. This AD requires that the fuel service panel maintenance light be disconnected. This action is prompted by a report indicating that an electrical spark was noted when the fuel cap chain contacted the maintenance light housing of the fuel service panel. The actions specified by this AD are intended to prevent electrical sparks from a grounded object from coming into contact with the maintenance light housing of the fuel service panel, which could result in a fuel fire due to the close proximity of the fuel service panel to the fuel port.

EFFECTIVE DATE: January 26, 2000, to all persons except those persons to whom it was made immediately effective by emergency AD 2000–01–51, issued January 7, 2000, which contained the requirements of this amendment.

Comments for inclusion in the Rules Docket must be received on or before March 21, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–05–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

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

FOR FURTHER INFORMATION CONTACT: Abby Malmir, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Transport Airplane Directorate, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5351; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On January 7, 2000, the FAA issued emergency AD 2000–01–51, which is applicable to the Model CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes modified in accordance with Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D.

That action was prompted by a report indicating that an electrical spark was noted when the fuel cap chain contacted the maintenance light housing of the fuel service panel on a CL–604 variant of a Bombardier Model Canadair CL–600–2B16 series airplane. Investigation revealed that the power and ground wires to the fuel service panel light assembly were reversed. Electrical sparks from a grounded object may come into contact with the maintenance light housing of the fuel service panel, and could result in a fuel fire due to the close proximity of the fuel service panel to the fuel port.

Explanation of Requirements of the Rule

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, the FAA issued emergency AD 2000–01–51 to prevent electrical sparks from a grounded object from coming into contact with the maintenance light housing of the fuel service panel, which could result in a fuel fire due to the close proximity of the fuel service panel to the fuel port. The AD requires that the fuel service panel maintenance light be disconnected.

Operators should note that this airworthiness directive applies only to the CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes.

Interim Action

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

Since it was found that immediate corrective action was required, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on January 7, 2000, to all known U.S. owners and operators of the CL–604 variant of Bombardier Model Canadair CL–600–2B16 series airplanes modified in accordance with Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–05–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory

Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2000–01–51 BOMBARDIER: Amendment 39–11519. Docket 2000–NM–05–AD.

Applicability: CL–604 variant of Canadair Model CL–600–2B16 series airplanes modified in accordance with Supplemental Type Certificate SA8060NM–D, SA8072NM–D, or SA8086NM–D; 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 otherwise modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent a fuel fire due to electrical sparks contacting the maintenance light housing of the fuel service panel, accomplish the following:

(a) Within 48 hours after the effective date of this AD, perform the actions specified in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(6), and (a)(7) of this AD.

(1) Open and lock-out the circuit breaker CB5–B8 located in the aft equipment bay at STA.645L on the JB5 panel.

(2) Open the refuel/defuel door located on the right side of the fuselage at the wing root. Remove the maintenance light receptacle by removing the four screws holding the receptacle to the fairing.

(3) Pull the light receptacle away from the fairing revealing the two wire leads attached to the receptacle.

(4) Disconnect the wires by removing the two screws that attach the wire leads to the light receptacle.

(5) Cap and stow the wires to prevent contact with metal objects within the fairing.

(6) Re-install the light receptacle in the fairing.

(7) Close circuit breaker CB5–B8.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Los Angeles 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, Los Angeles ACO.

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

Special Flight Permits

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

(d) This amendment becomes effective on January 26, 2000, to all persons except those persons to whom it was made immediately effective by emergency AD 2000–01–51, issued on January 7, 2000, which contained the requirements of this amendment.

Issued in Renton, Washington, on January 13, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–1367 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–02]

Establishment of Class E Airspace; Stigler, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment establishes Class E airspace at Stigler, OK. The development of two global positioning system (GPS) standard instrument approach procedures (SIAP's), to Stigler Municipal Airport, Stigler, OK, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for instrument flight rules (IFR) operations to Stigler Municipal Airport, Stigler, OK.

DATES: Effective 0901 UTC, April 20, 2000.

Comments must be received on or before March 6, 2000.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2000–ASW–02, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

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

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 establishes Class E airspace at Stigler, OK. The development of two GPS SIAP's, to Stigler Municipal Airport, Stigler, OK, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for IFR operations to Stigler Municipal Airport, Stigler, OK.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 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. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit

an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the 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 supplied under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned witht 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-addresseed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–ASW–02.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule will not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, *Airspace Designations and Reporting Points*, dated September 1, 1999, and effective September 16, is amended as follows:

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

* * * * *

ASW OK E5 Stigler, OK [New]

Stinger Municipal Airport, OK
(Lat. 35°17′23″N., Long. 95°05′49″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Stigler Municipal Airport.

* * * * *

Issued in Fort Worth, TX, on January 13, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–1482 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2000–ASW–01]

Revision of Class E Airspace; Corsicana, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Corsicana, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP), at C. David Campbell Field-Corsicana Municipal Airport, Corsicana, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to C. David Campbell Field-Corsicana Municipal Airport, Corsicana, TX.

DATES: Effective 0901 UTC, April 20, 2000.

Comments must be received on or before March 6, 2000.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2000–ASW–01, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region,

Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Corsicana, TX. The development of a NDB SIAP, at C. David Campbell Field-Corsicana Municipal Airport, Corsicana, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to C. David Campbell Field-Corsicana Municipal Airport, Corsicana, TX.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9G, dated September 1, 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. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will became 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 is needed.

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2000–ASW–01.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule will not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9G, *Airspace Designations and Reporting Points,* dated September 1, 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.

* * * * *

ASW TX E5 Corsicana, TX [Revised]

Corsicana, C. David Campbell Field-Corsicana Municipal Airport, TX
(Lat. 32°01′39″N., long. 96°23′53″W.)
Powell NDB
(Lat. 32°03′51″N., long. 96°25′41″W.)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of C. David Campbell Field-Corsicana Municipal Airport and within 2.5 miles each side of the 154° bearing of the Powell NDB extending from the 6.5-mile radius to 7.5 miles southeast of the airport and within 2.6 miles each side of the 325° bearing from the Powell NDB extending from the 6.5-mile radius to 9.8 miles northwest of the airport.

* * * * *

Issued in Fort Worth, TX, on January 13, 2000.

Robert N. Stevens,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 00–1483 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 177

[Docket No. 98F–0569]

Indirect Food Additives: Polymers

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the food additive regulations to provide for the safe use of ethylene-norbornene copolymers as articles or components of articles in contact with dry food. This action responds to a petition filed by Ticona.

DATES: This regulation is effective January 21, 2000. Submit written objections and requests for a hearing by February 22, 2000.

ADDRESSES: Submit written objections to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HFS–215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3091.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of July 23, 1998 (63 FR 39583), FDA announced that a food additive petition (FAP 8B4597) had been filed by Ticona, c/o Keller and Heckman, 1001 G St. NW., suite 500 West, Washington, DC 20001. The petition proposed to amend the food additive regulations in § 177.1520 *Olefin polymers* (21 CFR 177.1520) to provide for the safe use of ethylene-norbornene copolymers as articles or components of articles in contact with dry foods.

In its evaluation of the safety of this additive, FDA has reviewed the safety of the additive itself and the chemical impurities that may be present in the additive resulting from its manufacturing process. Although the additive itself has not been shown to cause cancer, it has been found to contain residual amounts of benzene, a carcinogenic impurity resulting from the manufacture of the additive. Residual amounts of reactants and manufacturing aids, such as benzene, are commonly found as contaminants in chemical products, including food additives.

I. Determination of Safety

Under the general safety standard of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 348(c)(3)(A)), a food additive cannot be approved for a particular use unless a fair evaluation of the data available to FDA establishes that the additive is safe for that use. FDA's food additive regulations (21 CFR 170.3(i)) define safe as ''a reasonable certainty in the minds of competent scientists that the substance is not harmful under the intended conditions of use.''

The food additives anticancer, or Delaney, clause of the act (21 U.S.C. 348 (c)(3)(A)) provides that no food additive shall be deemed safe if it is found to induce cancer when ingested by man or animal. Importantly, however, the Delaney clause applies to the additive itself and not to impurities in the additive. That is, where an additive itself has not been shown to cause cancer, but contains a carcinogenic impurity, the additive is properly evaluated under the general safety standard using risk assessment procedures to determine whether there is a reasonable certainty that no harm will result from the intended use of the additive (*Scott* v. *FDA*, 728 F.2d 322 (6th Cir. 1984)).

II. Safety of the Petitioned Use of the Additive

FDA estimates that the petitioned use of the additive, ethylene-norbornene copolymers, will result in exposure to no greater than 2.5 parts per billion of the additive in the daily diet (3 kilograms (kg)) or an estimated daily intake of 7.5 micrograms per person per day (Refs. 1 and 2).

FDA does not ordinarily consider chronic toxicological studies to be necessary to determine the safety of an additive whose use will result in such low exposure levels (Ref. 3), and the agency has not required such testing here. However, the agency has reviewed the available toxicological data on the additive and concludes that the estimated small dietary exposure resulting from the petitioned use of this additive is safe.

FDA has evaluated the safety of this additive under the general safety standard, considering all available data and using risk assessment procedures to estimate the upper-bound limit of lifetime human risk presented by benzene, the carcinogenic chemical that may be present as an impurity in the additive. The risk evaluation of benzene has two aspects: (1) Assessment of exposure to the impurity from the petitioned use of the additive, and (2) extrapolation of the risk observed in the animal bioassay to the conditions of probable exposure to humans.

A. Benzene

FDA has estimated the exposure to benzene from the petitioned use of the additive to be no more than 15 parts per trillion in the daily diet (3 kg) or 50 nanograms/person/day (ng/p/d) (Ref. 1). The agency used data from a carcinogenesis bioassay of benzene using B6C3F1 hybrid mice (Ref. 4), sponsored by the National Toxicology Program, to estimate the upper-bound limit of lifetime human risk from exposure to this chemical resulting from the petitioned use of the additive. The authors reported that there were significantly increased incidences of mice with neoplasms at several organ sites associated with the administration of benzene by the oral route.

Based on the agency's estimate that exposure to benzene will not exceed 50 ng/p/d, FDA estimates that the upper-bound limit of lifetime human risk from the petitioned use of the subject additive is 3.6×10^{-8}, or 3.6 in 100 million (Refs. 1 and 5). Because of the numerous conservative assumptions used in calculating the exposure estimate, the actual lifetime-averaged individual exposure to benzene is likely to be substantially less than the estimated exposure, and therefore, the probable lifetime human risk would be less than the upper-bound limit of lifetime human risk. Thus, the agency concludes that there is reasonable certainty that no harm from exposure to benzene would result from the petitioned use of the additive.

B. Need for Specifications

The agency also has considered whether specifications are necessary to control the amount of benzene present as an impurity in the additive. The agency finds that specifications are not necessary for the following reasons: (1) Because of the low level at which benzene may be expected to remain as an impurity following production of the additive, the agency would not expect this impurity to become a component of food at other than extremely low levels; and (2) the upper-bound limit of lifetime risk from exposure to benzene from the petitioned use is very low, 3.6 in 100 million.

III. Conclusion

FDA has evaluated the data in the petition and other relevant material. Based on this information, the agency concludes that: (1) The proposed use of the additive is safe, (2) the additive will achieve its intended technical effect,

and therefore, (3) the regulations in § 177.1520 should be amended as set forth below.

In accordance with § 171.1(h) (21 CFR 171.1(h)), the petition and the documents that FDA considered and relied upon in reaching its decision to approve the petition are available for inspection at the Center for Food Safety and Applied Nutrition by appointment with the information contact person listed above. As provided in § 171.1(h), the agency will delete from the documents any materials that are not available for public disclosure before making the documents available for inspection.

IV. Environmental Impact

The agency has carefully considered the environmental effects of this action. FDA has concluded that the action will not have a significant impact on the human environment, and that an environmental impact statement is not required. The agency's finding of no significant impact and the evidence supporting that finding, contained in an environmental assessment, may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

V. Paperwork Reduction Act of 1995

This final rule contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

VI. Objections

Any person who will be adversely affected by this regulation may at any time on or before February 22, 2000, file with the Dockets Management Branch (address above) written objections thereto. Each objection shall be separately numbered, and each numbered objection shall specify with particularity the provisions of the regulation to which objection is made and the grounds for the objection. Each numbered objection on which a hearing is requested shall specifically so state. Failure to request a hearing for any particular objection shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held. Failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Three copies of all documents shall be submitted and shall be identified with the docket number found in brackets in the heading of this document. Any objections received in response to the regulation may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

VII. References

The following references have been placed on display in the Dockets Management Branch (address above) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Memorandum from the Division of Product Manufacture and Use, Chemistry Review Team (HFS–246), to the Division of Petition Control (HFS–215), entitled ''FAP 8B4597 (MATS# 974, M2.0 & 2.1): Ticona Submission, Through Their Agent Keller and Heckman, Dated 5–8–98. Ethylene-Norbornene Copolymers for Use in Contact With Dry Food,'' February 16, 1999.

2. Memorandum from the Division of Product Manufacture and Use, Chemistry Review Team (HFS–246), to the Division of Petition Control (HFS–215), entitled ''FAP 8B4597 (MATS# 974, M2.2): Ticona Submission, Through Their Agent Keller and Heckman, Dated 5–8–98. Ethylene-Norbornene Copolymers for Use in Contact With Dry Food,'' June 15, 1999.

3. Kokoski, C. J., ''Regulatory Food Additive Toxicology,'' *Chemical Safety Regulation and Compliance*, edited by F. Homburger, J. K. Marquis, published by S. Karger, New York, NY, pp. 24–33, 1985.

4. ''Toxicology And Carcinogenesis Studies of Benzene (CAS No. 71–43–2) in F344/N Rats And B6C3F1 Mice (Gavage Studies),'' *National Toxicology Program Technical Report Series, No. 289*, April 1986.

5. Memorandum from the Division of Petition Control (HFS–215), to Executive Secretary, Quantitative Risk Assessment Committee (QRAC) (HFS–308), entitled ''Estimation of the Upper-Bound Lifetime Risk From Benzene, an Impurity in Ethylene-Norbornene Copolymers, the Subject of Food Additive Petition 8B4597 (Ticona Co.),'' March 23, 1999.

List of Subjects in 21 CFR Part 177

Food additives, Food packaging.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 177 is amended as follows:

PART 177—INDIRECT FOOD ADDITIVES: POLYMERS

1. The authority citation for 21 CFR part 177 continues to read as follows:

Authority: 21 U.S.C. 321, 342, 348, 379(e).

2. Section 177.1520 is amended by adding paragraph (a)(3)(vii), and by amending paragraph (c) in the table by adding item 3.9 to read as follows:

§ 177.1520 Olefin polymers.

(a) * * *

(3) * * *

(vii) Ethylene and 2-norbornene (CAS Reg. No. 26007–43–2) copolymers that shall contain not less than 30 and not more than 70 mole percent of polymer units derived from 2-norbornene.

* * * * *

(c) * * *

Olefin Polymers	Density	Melting Point (MP) or softening point (SP) (Degrees Centigrade)	Maximum extractable fraction (expressed as percent by weight of the polymer) in *N*-hexane at specified temperatures.	Maximum soluble fraction (expressed as percent by weight of polymer) in xylene at specified temperatures
* *	*	*	*	*
3.9 Olefin copolymers described in paragraph (a)(3)(vii) of this section may only be used in contact with dry foods, Type VIII, as identified in § 176.170(c) of this chapter, Table 1.	Not less than 1.0		
* *	*	*	*	*

* * * * *

Dated: January 11, 2000.

Margaret M. Dotzel,

Acting Associate for Commissioner for Policy.

[FR Doc. 00–1408 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 35, 968, and 1000

[Docket No. FR–3482–C–07]

RIN 2501–AB57

Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold; Correction

AGENCY: Office of the Secretary—Office of Lead Hazard Control, HUD.

ACTION: Correction.

SUMMARY: This document makes several corrections to HUD's September 15, 1999 final rule implementing sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992. Among other corrections, this document corrects the numbering of the sections containing the regulatory requirements governing lead-based paint disclosure; corrects the September 15, 1999 final rule to reflect the effective date of a related rule issued by the Environmental Protection Agency; and corrects several typographical errors contained in the final rule.

DATES: *Effective date:* September 15, 2000.

FOR FURTHER INFORMATION CONTACT: Steve Weitz, Special Assistant, Office of Lead Hazard Control, Department of Housing and Urban Development, 451 Seventh Street, SW, Room P–3206, Washington, DC 20410; telephone: (202) 755–1785, ext. 104 (this is not a toll-free number); E-mail: lead—regulations hud.gov. For legal questions, contact John B. Shumway, Office of General Counsel, Department of Housing and Urban Development, Room 9262. Persons with hearing or speech impediments may access the above telephone number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On September 15, 1999, HUD published a final rule (64 FR 50140) that implements sections 1012 and 1013 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 *et seq.*). The purpose of the rule is to ensure that Federally-owned or assisted housing does not pose lead-based paint hazards to young children. The majority of the provisions contained in the final rule will become effective on September 15, 2000 (one year following the date of publication). This document makes several corrections to the September 15, 1999 final rule. The corrections made by this document are as follows:

A. Correction of Section Numbers for Lead-Based Paint Disclosure Requirements (24 CFR part 25, subpart A)

The September 15, 1999 final rule redesignated subpart H of 24 CFR part 35 as subpart A. The purpose of this action was simply to relocate the regulatory requirements governing lead-based paint disclosure (which had been promulgated by final rule published on March 6, 1996 (61 FR 9082)) from subpart H to subpart A without any change in text. This was done to allow the new regulatory requirements established by the September 15, 1999 final rule to be described uninterrupted through the remainder of part 35. However, the September 15, 1999 final rule also incorrectly revised the section numbers of the relocated disclosure provisions. These redesignations may cause confusion because existing section references in the lead-based paint literature may not reflect the revised section numbers. This document corrects the section numbers of the disclosure requirements contained in part 35, subpart A. The numbering of these sections is now identical to that originally published in the March 6, 1996 final rule.

B. Conformance With EPA Regulations

The September 15, 1999 final rule relies on a nationwide framework of personnel who are or will be trained and certified in accordance with regulations issued by the U.S. Environmental Protection Agency (EPA). The EPA program is designed to ensure the safe and effective performance of lead-based paint inspections, risk assessments, and abatements. When the September 15, 1999 rule was published, the effective date of the relevant EPA regulations at 40 CFR part 745 was August 30, 1999. Therefore, the September 15, 1999 final rule (at § 35.165) specifies that this is the date after which all lead-based paint inspections, risk assessments and abatements must be performed by persons certified in accordance with 24 CFR part 745.

On August 6, 1999 (64 FR 42851), the EPA published an amendment that extends the effective dates for certification of individuals and firms and use of work practices standards from August 30, 1999 to March 1, 2000. Therefore, HUD must correct the September 15, 1999 final rule to conform to the new EPA effective date. To avoid possible further confusion, this document provides a citation to the EPA regulation instead of a specific date. This reduces the likelihood that HUD will have to again correct the September 15, 1999 final rule if EPA should have to again change the effective date.

C. Applicability of Subpart K

This document corrects the § 35.1000, which describes the purpose and applicability section of subpart K. This section erroneously provides that the subpart K requirements apply to ''residential rehabilitation activities.'' These activities are covered under subpart J (entitled ''Rehabilitation''), not subpart K. Subpart K establishes the lead-based paint requirements acquisition, leasing, support services, or operation of residential property.

D. NAHASDA Assisted Activities

The September 15, 1999 final rule revised 24 CFR 1000.40, which describes the lead-based paint requirements for housing activities assisted under the Native American Housing Assistance and Self-Determination Act (NAHASDA). In referring to the subparts of 24 CFR part 35 that are applicable to NAHASDA assisted activities, the September 15, 1999 revision erroneously referred to subparts E and G, which do not apply to NAHASDA activities. The September 15, 1999 revision did not refer to subpart J, which pertains to rehabilitation activities, including NAHASDA rehabilitation assistance. This document corrects § 1000.40 by removing the references to subparts E and G of part 35, and adding a reference to 24 CFR part 35, subpart J.

E. Corrections of Typographical Errors

This document also corrects the following typographical errors contained in the September 15, 1999 final rule.

1. *Correction to § 35.930(b)(3).* This document corrects a typographical error contained in § 35.930(b)(3) of the September 15, 1999 final rule. At the end of the second sentence of this section, an incorrect reference is made to § 35.1350(b). This document corrects the reference to read ''§ 35.1350(d).''

2. *Correction to § 35.1200(b)(2)(i).* This document corrects a typographical error contained in § 35.1200(b)(2)(i) of the September 15, 1999 final rule. Specifically, an incorrect reference to

''September 15, 200'' is corrected to read ''September 15, 2000.''

3. *Correction to § 35.1200(b)(4)(i).* This document corrects a typographical error contained in § 35.1200(b)(4)(i) of the September 15, 1999 final rule. This section provides an incorrect effective date for tenant-based rental assistance competitively awarded under the Housing Opportunities for Persons With AIDS (HOPWA) program. This document corrects the effective date from ''October 1, 1999'' to ''September 15, 2000.'' This correction conforms the effective date provided in § 35.1200(b)(4) to the effective dates provided elsewhere in the September 15, 1999 final rule, including those for competitively awarded HOPWA grants in 24 CFR part 35, subparts J and K.

F. Revision Superseded by Other HUD Rulemaking

The September 15, 1999 final rule revises HUD's public housing modernization regulations at § 968.210(e)(2)(ii) (see 64 FR 50229, amendatory instruction number 80). However, by final rule published on June 23, 1999 (64 FR 33636), HUD removed § 968.210(e). This document corrects the September 15, 1999 final rule by removing the reference to § 968.210(e).

Accordingly, in the final rule captioned ''Requirements for Notification, Evaluation and Reduction of Lead-Based Paint Hazards in Federally Owned Residential Property and Housing Receiving Federal Assistance,'' FR Document 99–23016, beginning at 64 FR 50140, in the issue of Wednesday, September 15, 1999, the following corrections are made:

PART 35—[CORRECTED]

1. On page 50201, in the first column, regulatory amendment 2 is corrected to read as follows:

2. Remove Subpart A and redesignate subpart H, consisting of § 35.80 through 35.98, as subpart A. The table of contents to redesignated subpart A is revised to read as follows:

Subpart A—Disclosure of Known Lead-Based Paint Hazards Upon Sale or Lease of Residential Property

Sec.
35.80 Purpose.
35.82 Scope and applicability.
35.84 Effective dates.
35.86 Definitions.
35.88 Disclosure requirements for sellers and lessors.
35.90 Opportunity to conduct an evaluation.
35.92 Certification and acknowledgment of disclosure.
35.94 Agent responsibilities.
35.96 Enforcement.
35.98 Impact on State and local requirements.

2. On page 50208, in the first and second columns, correct § 35.165 by revising paragraphs (a)(1) introductory text, (a)(2), (b)(2), (b)(3), (d)(1) introductory text, and (d)(2) to read as follows:

§ 35.165 Prior evaluation or hazard reduction.

* * * * *

(a) *Lead-based paint inspection.* (1) A lead-based paint inspection conducted before the date specified in 40 CFR 745.239(b) meets the requirements of this part if:

* * * * *

(2) A lead-based paint inspection conducted on or after the effective date specified in 40 CFR 745.239(b) must have been conducted by a certified lead-based paint inspector.

(b) * * *

(2) A risk assessment conducted before the effective date of 40 CFR 745.239(b) meets the requirements of this part if at the time of the risk assessment the risk assessor was approved by a State or Indian tribe to perform risk assessments. It is not necessary that the State or tribal approval program had EPA authorization at the time of the risk assessment.

(3) A risk assessment conducted on or after the date specified in 40 CFR 745.239(b) must have been conducted by a certified risk assessor.

* * * * *

(d) *Abatement.* (1) An abatement conducted before the date specified in 40 CFR 745.239(b) meets the requirements of this part if:

* * * * *

(2) An abatement conducted on or after the date specified in 40 CFR 745.239(b) must have been conducted under the supervision of a certified lead-based paint abatement supervisor.

3. On page 50214, in the first column, correct § 35.930(b)(3) to read as follows:

§ 35.930 Evaluation and hazard reduction requirements.

* * * * *

(b) * * *

(3) After completion of any rehabilitation disturbing painted surfaces, perform a clearance examination of the worksite(s) in accordance with § 35.1340. Clearance is not required if rehabilitation did not disturb painted surfaces of a total area more than that set forth in § 35.1350(d).

4. On page 50214, in the third column, correct the first sentence of § 35.1000(c)(2) to read as follows:

§ 35.1000 Purpose and applicability.

* * * * *

(c) * * *

(2) For purposes of the CDBG Entitlement program and the Indian Housing Block Grant program, the requirements of this subpart shall apply to activities (except those otherwise exempted) for which funds are first obligated on or after September 15, 2000. * * *

* * * * *

5. On page 50217, in the first column, correct § 35.1200(b)(2)(i) and § 35.1200(b)(4)(i) to read as follows:

§ 35.1200 Purpose and applicability.

* * * * *

(b) * * *

(2) * * *

(i) The requirements of this subpart are applicable where an initial or periodic inspection occurs on or after September 15, 2000; and

* * * * *

(4) * * *

(i) The requirements of this subpart shall apply to grants awarded pursuant to Notices of Funding Availability published on or after September 15, 2000; and

* * * * *

PART 968—[CORRECTED]

§ 968.210 [Corrected]

6. On page 50229, in the second column, remove regulatory amendment 80.

PART 1000—[CORRECTED]

7. On page 50230, in the second column, correct the second sentence of § 1000.40 to read as follows:

§ 1000.40 Do lead-based paint poisoning prevention requirements apply to affordable housing activities under NAHASDA?

* * * The applicable requirements for NAHASDA are HUD's regulations at part 35, subparts A, B, H, J, K, M and R of this title, which implement the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4822–4846) and the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851–4856).

Dated: January 6, 2000.

David E. Jacobs,

Director, Office of Lead Hazard Control.

[FR Doc. 00–1319 Filed 1–20–00; 8:45 am]

BILLING CODE 4210–32–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AJ65

DIC Benefits for Survivors of Certain Veterans Rated Totally Disabled at Time of Death

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document establishes an interpretive rule reflecting the Department of Veterans Affairs (VA) conclusion that 38 U.S.C. 1318(b) authorizes payment of dependency and indemnity compensation (DIC) only in cases where the veteran had, during his or her lifetime, established a right to receive total service-connected disability compensation from VA for the period required by that statute or would have established such a right if not for clear and unmistakable error by VA. This document also makes certain non-substantive changes.

DATES: *Effective Date:* Janaury 21, 2000.

FOR FURTHER INFORMATION CONTACT: Don England, Senior Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7210.

SUPPLEMENTARY INFORMATION: This document establishes an interpretive rule reflecting VA's conclusion that 38 U.S.C. 1318(b) authorizes payment of DIC only in cases where the veteran had, during his or her lifetime, established a right to receive total service-connected disability compensation from VA for the period required by that statute or would have established such a right if not for clear and unmistakable error by VA.

I. History of 38 CFR 3.22

Under chapter 13 of title 38, United States Code, VA is authorized to pay DIC to certain survivors of veterans who died as a result of service-connected disability. In 1978, Congress enacted Public Law 95–479, which authorized VA to pay DIC to the survivors of a veteran whose death was not caused by service-connected disability, but who, at the time of death, ''was in receipt of (or but for the receipt of retired or retirement pay was entitled to receive)'' compensation for a service-connected disability rated 100 percent disabling for 10 years immediately preceding death, or for a period of at least five years extending from date of discharge from service until date of death. That provision was codified in 38 U.S.C. 410(b)(1). In 1979, VA issued 38 CFR 3.22 to implement the statute (44 FR 22716, 22718 (1979)).

A 1981 opinion by the VA General Counsel (Op. G.C. 2–81) concluded that 38 U.S.C. 410(b)(1) did not permit a DIC award to the survivors of a veteran who was not actually in receipt of compensation for a total disability for a full ten years prior to death, but who would have been in receipt of such benefits if not for error by VA in a decision rendered during the veteran's lifetime.

In 1982, Congress enacted Public Law 97–306, which amended 38 U.S.C. 410(b)(1) in response to the General Counsel's 1981 decision. The amended statute, now codified at 38 U.S.C. 1318(b), authorizes payment of DIC in cases where the veteran ''was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive)'' compensation for a service-connected disability rated totally disabling for 10 years immediately preceding death or a period of five years from the date of discharge. The legislative history stated that the purpose of the amendment was ''to provide that the requirement that the veteran have been in receipt of compensation for a service-connected disability rated as total for a period of 10 years prior to death (or for 5 years continuously from the date of discharge) is met if the veteran would have been in receipt of such compensation for such period but for a clear and unmistakable error regarding the award of a total disability rating.'' (Explanatory Statement of Compromise Agreement, 128 Cong. Rec. H7777 (1982), reprinted in 1982 U.S.C.C.A.N. 3012, 3013.)

In 1983, VA revised 38 CFR 3.22 to state that DIC would be payable under 38 U.S.C. 410(b)(1) (now 38 U.S.C. 1318(b)) when the veteran ''was in receipt of or for any reason (including receipt of military retired or retirement pay or correction of a rating after the veteran's death based on clear and unmistakable error) was not in receipt of but would have been entitled to receive compensation at the time of death'' for service-connected disability rated totally disabling for 10 years prior to death or five years continuously from date of discharge to date of death (48 FR 41160, 41161 (1983)).

In *Wingo* v. *West,* 11 Vet. App. 307 (1998), the United States Court of Appeals for Veterans Claims (CAVC) (formerly United States Court of Veterans Appeals) interpreted 38 CFR 3.22(a) as permitting a DIC award in a case where the veteran had never established entitlement to VA compensation for a service-connected total disability and had never filed a claim for such benefits which could have resulted in entitlement to compensation for the required period. The CAVC concluded that the language of § 3.22(a) would permit a DIC award where it is determined that the veteran ''hypothetically'' would have been entitled to a total disability rating for the required period if he or she had applied for compensation during his or her lifetime.

The CAVC's interpretation of § 3.22(a) does not accurately reflect VA's intent in issuing that regulation. Section 1318 of the statute authorizes DIC where the veteran was ''in receipt of or entitled to receive'' compensation for total service-connected disability for a specified period preceding death. The statute does not authorize VA to award DIC benefits in cases where the veteran merely had hypothetical, as opposed to actual, entitlement to compensation. VA does not have authority to provide by regulation for payment of DIC in a manner not authorized by 38 U.S.C. 1318. Section 3.22(a) is an interpretive rule that was intended to explain the requirements of 38 U.S.C. 1318, and not to establish any substantive rights beyond those authorized by section 1318. However, VA acknowledges that the language of § 3.22(a) has apparently caused confusion regarding VA's interpretation of 38 U.S.C. 1318. Accordingly, VA is revising § 3.22(a) to ensure that it clearly expresses VA's interpretation of section 1318.

II. Scope of This Rule

This document revises existing paragraph (a) of 38 CFR 3.22 and redesignates it as paragraphs (a) through (d). VA is also redesignating existing paragraphs (b) through (e) as new paragraphs (e) through (h), respectively.

Paragraph (a), as revised, states that even though a veteran died of non-service-connected causes, VA will pay benefits to the surviving spouse or children in the same manner as if the veteran's death was service-connected service connected if:

> (1) the veteran's own willful misconduct did not cause his or her death, and (2) at the time of death, the veteran was receiving, or was entitled to receive, compensation for a service-connected service connected disability that was (i) rated by VA as totally disabling for a continuous period of at least 10 years immediately preceding death, or (ii) rated by VA as totally disabling continuously since the veteran's release from active duty and for at least 5 years immediately preceding death.

Paragraph (b), as revised, states that the phrase ''entitled to receive'' means

that, at the time of death the veteran had a service-connected disability rated by VA as totally disabling, but was not actually receiving compensation because:

(1) VA was paying the compensation to the veteran's dependents; (2) VA was withholding the compensation to offset an indebtedness of the veteran; (3) the veteran had not received total disability compensation solely because of clear and unmistakable error in a VA decision; (4) the veteran had not waived retired or retirement pay in order to receive compensation; (5) VA was withholding payments under the provisions of 10 U.S.C. § 1174(h)(2); (6) VA was withholding payments because the veteran's whereabouts was unknown, but the veteran was otherwise entitled to receive continued payments based on a total service-connected disability rating; or (7) VA was withholding payments under 38 U.S.C. 5308 but determines that benefits were payable under 38 U.S.C. § 5309.

The revision reflects VA's conclusion that 38 U.S.C. 1318(b) authorizes payment of DIC only in cases where the veteran had, during his or her lifetime, established a right to receive total service-connected disability compensation for the required period or would have established such a right if not for clear and unmistakable error by VA. The basis for VA's interpretation of 38 U.S.C. 1318(b) is set forth below.

III. Interpretation of 38 U.S.C. 1318

Section 1318 authorizes payment of DIC in cases where the veteran was, at the time of death, ''in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive)'' compensation for service-connected disability that ''was continuously rated totally disabling for a period of 10 or more years immediately preceding death'' or was so rated for 5 years continuously from date of discharge to date of death. The phrase ''in receipt of * * * compensation'' unambiguously refers to cases where the veteran was, at the time of death, actually receiving compensation for service-connected disability rated totally disabling for the required period. VA has concluded that the phrase ''entitled to receive * * * compensation'' is most reasonably interpreted as referring to cases where the veteran had established a legal right to receive compensation for the required period under the laws and regulations governing such entitlement, but was not actually receiving the compensation.

Under 38 U.S.C. 5101, ''a specific claim in the form prescribed by the Secretary * * * must be filed in order for benefits to be paid or furnished to any individual under the laws administered by the Secretary.'' No person can have a right to receive compensation from VA in the absence of a properly filed claim. (See *Jones* v. *West,* 136 F.3d 1296, 1299–1300 (Fed. Cir.), cert. denied, 119 S. Ct. 90 (1998)). Section 5110(a) of title 38, United States Code, provides that an award of compensation may not be made effective earlier than the date of the claimant's application, unless specifically provided otherwise by statute. Accordingly, a person cannot have a right to receive compensation from VA for any period prior to the date of an application for benefits except as expressly authorized by specific statutory provision.

The legislative history of Public Law 97–306 indicates that the purpose of adding the phrase ''or entitled to receive'' to what is now 38 U.S.C. 1318 was to provide that DIC may be paid in cases where the veteran would have been in receipt of compensation for a total service-connected disability for the specified period prior to death if not for a clear and unmistakable error by VA. A ''clear and unmistakable error'' is an error in a prior final VA decision which materially affected the outcome of the decision. Pursuant to law and regulation, a decision containing a clear and unmistakable error may be revised retroactively, and entitlement to benefits may be established retroactively as if the error had not occurred (38 U.S.C. 5111, 7109A; 38 CFR 3.105(a)).

A retroactive award predicated on a finding of clear and unmistakable error is, like all awards of VA benefits, subject to the requirement that the veteran have filed a claim for benefits under 38 U.S.C. 5101(a). Further, the period of the veteran's retroactive entitlement is governed by the effective-date provisions of 38 U.S.C. 5110, and generally may not be earlier than the date of the veteran's claim which resulted in the erroneous decision. In using the phrase ''entitled to receive'' to refer to the specific class of cases where the veteran's entitlement was established by correction of clear and unmistakable error, Congress plainly contemplated that determinations concerning the existence and duration of the veteran's entitlement to benefits would continue to be governed by the requirements of 38 U.S.C. 5101(a) and 5110.

The legislative history also suggests that final decisions concerning a veteran's disability rating and effective date would be binding for purposes of determinations under 38 U.S.C. 1318(b) unless there was clear and unmistakable error in such decisions. Sections 7104(b) and 7105(c) of title 38, United States Code provide that determinations of the Board of Veterans' Appeals and VA regional offices, respectively, are final unless a timely appeal is filed. Such final decisions may be revised only on the basis of clear and unmistakable error. In providing that DIC benefits may be awarded if there was clear and unmistakable error in a prior final decision which prevented the veteran from receiving total disability compensation for the specified period, Congress plainly contemplated that the prior final decision would continue to be binding in the absence of clear and unmistakable error. Accordingly, if a regional office or the Board had rendered a final decision which establishes that the veteran was not entitled to a total rating for at least ten years immediately preceding death (or at least five years from date of discharge to date of death), such decision would preclude VA from reaching a contrary conclusion in adjudicating a claim for DIC under 38 U.S.C. 1318(b).

In view of Congress' clear intent, VA has concluded that determinations concerning the existence and duration of the veteran's entitlement to compensation for a service-connected disability rated totally disabling are governed by the generally-applicable provisions of 38 U.S.C. 5101(a), 5110, 7104(b), and 7105(c), governing claim-filing requirements, effective dates of entitlement, and the finality of regional-office and Board decisions. Congress' stated purpose to authorize DIC in cases where clear and unmistakable error was the only obstacle to the veteran's receipt of total disability compensation for the required period fits logically within this well-established statutory scheme.

In contrast, interpreting 38 U.S.C. 1318(b) as permitting DIC awards where the veteran ''hypothetically'' could have been entitled to benefits would create a substantially broader rule which would be inconsistent with the general statutory requirements governing a veteran's entitlement to compensation. VA has found no indication in section 1318(b) or its legislative history that Congress intended VA to ignore those established statutory requirements in making determinations regarding the veteran's entitlement to compensation for purposes of section 1318(b). To the contrary, Congress indicated that the purpose of the phrase ''or entitled to receive'' was to authorize DIC awards in a specific class of cases where the veteran's entitlement is established under those generally-applicable statutory requirements.

The language of 38 U.S.C. 1318(b) is consistent with Congress' stated purpose. Section 1318(b) authorizes

payment of DIC in cases where the veteran was entitled to receive compensation for a service-connected disability that ''was continuously rated totally disabling for a period of 10 or more years immediately preceding death.'' The requirement that the disability have been ''continuously rated'' totally disabling for the specified period is most reasonably construed as referring to ratings which had actually been assigned by VA for the duration of that period in accordance with the established statutory requirements governing claims, ratings, and effective dates. A contrary interpretation would render the term ''rated'' wholly unnecessary, for Congress could simply have provided that DIC would be payable based on a posthumous determination that the veteran had a service-connected disability that ''was continuously * * * totally disabling for a period of 10 or more years immediately preceding death.''

This interpretation of 38 U.S.C. 1318(b) is consistent with VA's prior interpretation of that provision. In a 1990 precedent opinion (VAOPGCPREC 68–90) which is binding on all VA officials and employees, the VA General Counsel examined the language and history of section 1318(b) (previously section 410(b)). The General Counsel concluded that the legislative history clearly indicated that Congress intended to authorize DIC in cases where the veteran had a total service-connected disability rating for the specified period, or would have had such a rating but for clear and unmistakable error by VA. The General Counsel concluded that VA could not award DIC in cases where the veteran did not have a total service-connected rating for the specified period and there was no clear and unmistakable error which could have provided a basis for retroactively assigning such a rating.

IV. The CAVC's ''Wingo'' Decision

In *Wingo*, the CAVC did not expressly discuss the meaning of 38 U.S.C. 1318 and did not analyze the language and history of that provision. The CAVC stated that 38 U.S.C. 1318 and 38 CFR 3.22(a) allow a claimant to establish entitlement to DIC merely by showing that the veteran hypothetically would have been entitled to total service-connected disability compensation for the required period if the veteran had applied for such compensation. (11 Vet. App. at 311.) The CAVC did not, however, state that section 1318 alone established such a right. Further, the CAVC's discussion indicates that its conclusion was based primarily, if not exclusively, on the language of § 3.22(a). The CAVC reversed a determination by the Board of Veterans' Appeals that DIC could not be paid under section 1318 in a case where the veteran had not applied for compensation during his lifetime. In support of that conclusion, the CAVC stated repeatedly that the Board's determination was inconsistent with the language of § 3.22(a). (11 Vet. App. at 311, 312.) Because the CAVC did not expressly analyze the language and history of section 1318, and because its holding was predicated primarily on the language of the regulation, it does not appear that the CAVC has concluded that section 1318 by its terms requires VA to pay DIC in cases where the veteran had no more than a ''hypothetical'' entitlement to total disability compensation for the required period.

The CAVC also did not expressly address the issue of whether 38 CFR 3.22(a), as construed by that court, is a valid exercise of VA's rule-making authority. Although the CAVC's interpretation of § 3.22(a) may be a plausible construction of the language of that regulation, the CAVC's construction creates a conflict between § 3.22(a) and 38 U.S.C. 1318 that is inconsistent with VA's authority, as well as with VA's intent. VA has no authority to provide by regulation for the payment of DIC in a manner not authorized by section 1318. Section 3.22(a) is an interpretive rule, which was intended to explain the requirements of the statute rather than to establish new legal rights or obligations beyond those provided by statute. An interpretive rule is one which merely clarifies or explains existing statutes or regulations. (*Animal Legal Defense Fund* v. *Quigg,* 932 F.2d 920, 927 (Fed. Cir. 1991).) In contrast, a legislative, or substantive, rule is one which effects a change in existing law or policy which affects individual rights and obligations. (*Animal Legal Defense Fund,* 932 F.2d at 927.) A rule can be legislative only if Congress has delegated legislative power to an agency with respect to a particular matter and the agency intended to use that power in promulgating the rule. (*Schuler Indus.* v. *United States,* 109 F.3d 753, 755 (Fed. Cir. 1997); *American Postal Workers Union, AFL–CIO* v. *United States Postal Serv.,* 707 F.2d 548, 558 (D.C. Cir. 1983), cert. denied, 465 U.S. 1100 (1984).)

38 U.S.C. 1318 authorizes VA to pay DIC only in cases where a veteran had an actual, rather than merely hypothetical, right to receive compensation for service-connected disability rated by VA as totally disabling for 10 years preceding death or 5 years continuously from date of discharge to date of death. Congress has not delegated authority to VA to establish legislative rules restricting or expanding the class of persons eligible for DIC under the statute, and VA did not intend to exercise any such authority in issuing or amending § 3.22(a).

In contrast to a legislative rule, an interpretive rule can ''create no law and have no effect beyond that of the statute.'' (*Pickus* v. *United States Board of Parole,* 507 F.2d 1107, 1113 (D.C. Cir. 1974).) Because 38 U.S.C. 1318 does not authorize VA to pay DIC benefits in cases where the veteran had no more than ''hypothetical'' entitlement to the underlying compensation, and because Congress has not authorized VA to establish legislative rules creating a right to DIC in such cases, VA has no authority to create such a right. In *Wingo,* the CAVC concluded that the language of 38 CFR 3.22(a) recognizes such a right existing under section 1318, but did not address VA's authority to recognize or establish such a right in view of the language and purpose of the statute and the principles governing the effect of interpretive rules. Because § 3.22(a), as interpreted by the CAVC, does not accurately reflect the requirements of the statute and VA's intention in issuing that regulation, VA has determined that it is necessary to revise the regulation.

V. Definition of ''Entitled To Receive''

In order to clarify the requirements of 38 U.S.C. 1318, VA is revising 38 CFR 3.22 to expressly define the statutory term ''entitled to receive.'' VA is defining that term to refer to each specific circumstance where a veteran could have had a service-connected disability rated totally disabling by VA but may not have been receiving VA compensation for such disability at the time of death. Those circumstances are as follows.

In certain circumstances, VA may pay a veteran's compensation directly to his or her dependents. (See 38 U.S.C. 1158, 5307, 5308(c).) VA may also withhold a veteran's compensation in order to offset the veteran's indebtedness to the United States arising out of participation in a program administered by VA. (See 38 U.S.C. 5314.) In such cases, where the veteran's compensation is being applied to satisfy an obligation of the veteran, VA believes that the veteran may be considered to have been entitled to receive compensation within the meaning of 38 U.S.C. 1318.

There are other circumstances in which a veteran who has established entitlement to compensation for disability rated totally disabling by VA

may not have been receiving payments of compensation at the time of death. A veteran will be considered to have been entitled to receive compensation for such disability at the time of death if he or she had filed a claim and would have received compensation for the required period but for clear and unmistakable error by VA. Additionally, a veteran will be considered to have been entitled to receive compensation if, at the time of death, the veteran had a service-connected disability (or disabilities) that was rated 100 percent disabling by VA for the required period, but the veteran was not receiving compensation because he or she had not waived military retired or retirement pay, or because VA was withholding payments under certain circumstances. Payments of compensation may be withheld under 10 U.S.C. 1174(h)(2) to offset the amount of certain payments to the veteran from the Department of Defense. It may also be necessary for VA to withhold compensation if the veteran's whereabouts is unknown. Additionally, under 38 U.S.C. 5308, VA may withhold payments to aliens located in the territory of an enemy of the United States or any of its allies. A veteran is entitled to receive payments withheld under section 5308 if it is shown that the veteran was not guilty of mutiny, treason, sabotage, or rendering assistance to an enemy of the United States or its allies (38 U.S.C. 5309). Accordingly, revised § 3.22(b) states that the phrase ''entitled to receive'' refers to veterans who were not receiving payments at the time of death for one of the reasons stated above.

This definition also reflects VA's conclusion that the language ''rated totally disabling'' in 38 U.S.C. 1318 requires that the disability or disabilities have been rated totally disabling by VA. Section 1155 of title 38, United States Code, requires the Secretary of Veterans Affairs to ''adopt and apply a schedule of ratings of reductions in earning capacity from specific injuries or combinations of injuries.'' Under this authority, VA has created its Schedule for Rating Disabilities (38 CFR Part 4). Given the very specific requirements of 38 U.S.C. 1155 as well as 38 U.S.C. 1114, which establishes the rates of compensation for the ten levels of disability, including disabilities ''rated as total'' (section 1114(j)), we believe that the term ''rated'', as it is used in section 1318, can only mean ''rated by VA''.

VI. Other Changes

New paragraph (c) of § 3.22 is a restatement of material previously contained in paragraph (a). New paragraph (c) provides that a rating based on individual unemployability under 38 CFR 4.16 qualifies as a disability rated by VA as totally disabling. New paragraph (d) of § 3.22 provides the criteria for being considered a surviving spouse for purposes of 38 U.S.C. 1318 and 38 CFR 3.22. These criteria are merely a restatement of 38 U.S.C. 1318(c) and 38 CFR 3.54(c)(2). We are simultaneously removing § 3.54(c)(2) as unnecessary. New paragraphs (e) through (h) are redesignations of former paragraphs (b) through (e), respectively.

This document establishes interpretive rules. It also restates statutory provisions and makes other nonsubstantive changes. Accordingly, under the provisions of 5 U.S.C. 553, we are dispensing with prior notice and comment and with a 30-day delay of effective date.

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The reason for this certification is that this final rule would not directly affect any small entities. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance program number is 64.110.

List of Subjects

38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Veterans, Vietnam.

Approved: September 7, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. In § 3.22, paragraphs (b) through (e) are redesignated as paragraphs (e) through (h), respectively; and the section heading, paragraph (a) and newly redesignated paragraph (f) are revised; and new paragraphs (b) through (d) are added, to read as follows:

§ 3.22 DIC benefits for survivors of certain veterans rated totally disabled at time of death.

(a) Even though a veteran died of non-service-connected causes, VA will pay death benefits to the surviving spouse or children in the same manner as if the veteran's death were service-connected, if:

(1) The veteran's death was not the result of his or her own willful misconduct, and

(2) At the time of death, the veteran was receiving, or was entitled to receive, compensation for service-connected disability that was:

(i) Rated by VA as totally disabling for a continuous period of at least 10 years immediately preceding death; or

(ii) Rated by VA as totally disabling continuously since the veteran's release from active duty and for at least 5 years immediately preceding death.

(b) For purposes of this section, ''entitled to receive'' means that at the time of death, the veteran had service-connected disability rated totally disabling by VA but was not receiving compensation because:

(1) VA was paying the compensation to the veteran's dependents;

(2) VA was withholding the compensation under authority of 38 U.S.C. 5314 to offset an indebtedness of the veteran;

(3) The veteran had applied for compensation but had not received total disability compensation due solely to clear and unmistakable error in a VA decision concerning the issue of service connection, disability evaluation, or effective date;

(4) The veteran had not waived retired or retirement pay in order to receive compensation;

(5) VA was withholding payments under the provisions of 10 U.S.C. 1174(h)(2);

(6) VA was withholding payments because the veteran's whereabouts was unknown, but the veteran was otherwise entitled to continued payments based on a total service-connected disability rating; or

(7) VA was withholding payments under 38 U.S.C. 5308 but determines that benefits were payable under 38 U.S.C. 5309.

(c) For purposes of this section, ''rated by VA as totally disabling'' includes total disability ratings based on unemployability (§ 4.16 of this chapter).

(d) To be entitled to benefits under this section, a surviving spouse must have been married to the veteran—

(1) For at least 1 year immediately preceding the date of the veteran's death; or

(2) For any period of time if a child was born of the marriage, or was born to them before the marriage.

(Authority: 38 U.S.C. 1318)

* * * * *

(f) *Social security and worker's compensation.* Benefits received under social security or worker's compensation are not subject to recoupment under paragraph (e) of this section even though such benefits may have been awarded pursuant to a judicial proceeding.

* * * * *

§ 3.54 [Amended]

3. In § 3.54, paragraph (c)(2) and its authority citation are removed, and paragraphs (c)(1), (c)(1)(i), (c)(1)(ii), and (c)(1)(iii) are redesignated as paragraphs (c), (c)(1), (c)(2), and (c)(3), respectively.

[FR Doc. 00–1507 Filed 1–20–00; 8:45 am]

BILLING CODE 8320–01–P

GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 301

[FTR Amendment 87]

RIN 3090–AH18

Federal Travel Regulation; Maximum Per Diem Rates and Other Travel Allowances

AGENCY: Office of Governmentwide Policy, GSA.

ACTION: Final rule; correction.

SUMMARY: This document corrects entries listed in the prescribed maximum per diem rates for locations within the continental United States (CONUS), and footnote 4, contained in a final rule appearing in Part III of the **Federal Register** of Thursday, December 2, 1999 (64 FR 67670). The rule, among other things, increased/decreased the maximum lodging amounts in certain existing per diem localities, added new per diem localities, and removed a number of previously designated per diem localities.

EFFECTIVE DATE: January 1, 2000.

FOR FURTHER INFORMATION CONTACT: Joddy P. Garner, Office of Governmentwide Policy (MTT), Washington, DC 20405, telephone 202–501–4857.

SUPPLEMENTARY INFORMATION: In rule document 99–31215 beginning on page 67670 in the issue of Thursday, December 2, 1999, make the following corrections:

Appendix A to Chapter 301 [Corrected]

1. On page 67678, under the State of Louisiana, in the 31st line from the bottom under the entry New Orleans/Plaquemine/St. Bernard, column two is corrected to remove the word ''New''.

2. On page 67679, under the State of Maryland, in the 15th line from the top under the entry Lexington Park/Leonardtown/Lusby, column two is corrected to remove the apostrophe and to add ''and Calvert''.

3. On page 67679, under the State of Michigan, in the 11th line from the bottom under the entry Auburn, column two is corrected to read ''Bay (except Auburn Hills, see Oakland and City limits of Auburn Hills)''.

4. On page 67680, under the State of Michigan, in the 24th line from the bottom under the entry Pontiac/Troy/Auburn Hills, column two is corrected to read ''Oakland and City limits of Auburn Hills (see Bay County)''.

5. On page 67683, under the State of Ohio, in the fifth line from the bottom under the entry Cincinnati, column two is corrected to read ''Hamilton and Warren''.

6. On page 67684, under the State of Pennsylvania, in the ninth line from the bottom under the entry King Prussia/Ft. Washington/Bala Cynwyd, column one is corrected to read ''King of Prussia/Ft. Washington/Bala Cynwyd'', and column two is corrected to add the county ''Montgomery''.

7. On page 67688, footnote 4 is corrected to include missing text and is set out in its entirety for the ease of the reader. The corrected text should read as follows:

Appendix A to Chapter 301—Prescribed Maximum Per Diem Rates for CONUS

* * * * *

Per diem locality: Key city [1]	County and/or other defined location [2 3]	Maximum lodging amount (room rate only—no taxes)	+	M&IE rate	=	Maximum per diem rate [4]
		(a)		(b)		(c)
* * *	*	*		*		*
LOUISIANA						
* * *	*	*		*		*
New Orleans/Plaquemine/St. Bernard	Orleans, Iberville and St. Bernard.	88		42		130
* * *	*	*		*		*
MARYLAND						
* * *	*	*		*		*
Lexington Park/Leonardtown/Lusby	St. Marys and Calvert	66		34		100
* * *	*	*		*		*
MICHIGAN						
* * *	*	*		*		*
Auburn	Bay (except Auburn Hills, see Oakland and City limits of Auburn Hills).	59		38		97

Per diem locality: Key city [1]	County and/or other defined location [2 3]	Maximum lodging amount (room rate only—no taxes)	+	M&IE rate	=	Maximum per diem rate [4]
		(a)		(b)		(c)
* * *	*	*		*		*
Pontiac/Troy/Auburn Hills	Oakland and City limits of Auburn Hills (see Bay County).	93		38		131
* * *	*	*		*		*
OHIO						
Cincinnati	Hamilton and Warren	69		46		115
* * *	*	*		*		*
PENNSYLVANIA						
* * *	*	*		*		*
King of Prussia/Ft. Washington/Bala Cynwyd	Montgomery	84		42		126
* * *	*	*		*		*

[4] Federal agencies may submit a request to GSA for review of the costs covered by per diem in a particular city or area where the standard CONUS rate applies when travel to that location is repetitive or on a continuing basis and travelers' experiences indicate that the prescribed rate is inadequate. Other per diem localities listed in this appendix will be reviewed on an annual basis by GSA to determine whether rates are adequate. Requests for per diem rate adjustments shall be submitted by the agency headquarters office to the General Services Administration, Office of Governmentwide Policy, Attn: Travel and Transportation Management Policy Division (MTT), Washington, DC 20405. Agencies should designate an individual responsible for reviewing, coordinating, and submitting to GSA any requests from bureaus or subagencies. Requests for rate adjustments shall include a city designation, a description of the surrounding location involved (county or other defined area), and a recommended rate supported by a statement explaining the circumstances that cause the existing rate to be inadequate. The request also must contain an estimate of the annual number of trips to the location, the average duration of such trips, and the primary purpose of travel to the location. Agencies should submit their requests to GSA no later than May 1 in order for a city to be included in the annual review

Dated: January 14, 2000.

William T. Rivers,

Acting Director, Travel and Transportation Management Policy Division.

[FR Doc. 00–1444 Filed 1–20–00; 8:45 am]

BILLING CODE 6820–44–P

Proposed Rules

Federal Register
Vol. 65, No. 14
Friday, January 21, 2000

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 Parts 2 and 50

RIN 3150–AG38

Antitrust Review Authority: Clarification

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule: Extension of comment period.

SUMMARY: The Nuclear Regulatory Commission (NRC) issued a proposed rulemaking on November 3, 1999 (64 FR 59671), that would clarify its regulations to reflect more clearly its limited antitrust review authority. Because there has been significant interest in the issue and because the comment period included the end-of-year holiday period, the NRC is agreeing to a request from the public to extend the comment period.

DATES: The new comment period will expire on February 15, 2000. Comments received after this date will be considered if it is practical to do so, but the Commission is able to assure consideration only for comments received on or before this date.

ADDRESSES: Written comments should be sent to: Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff.

You may also provide comments via the NRC's interactive rulemaking web site (http://ruleforum.llnl.gov). This site provides the ability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, 301–415–5905; e-mail CAG@nrc.gov.

Comments received on this rulemaking may be examined at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC.

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html*. From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) Reference staff at 202–634–3273 or toll-free at 1–800–397–4209, or by email at *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: Jack R. Goldberg, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone 301–415–1681; e-mail JRG1@nrc.gov.

Dated at Rockville, Maryland, this 13th day of January, 2000.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00–1300 Filed 1–20–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 40

[Docket No. PRM–40–28]

Donald A. Barbour, Philotechnics; Receipt of Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Petition for rulemaking; Notice of receipt.

SUMMARY: The Nuclear Regulatory Commission (NRC) has received, and requests public comment on, a petition for rulemaking filed by David A. Barbour, Philotechnics. The petition has been docketed by the Commission and assigned Docket No. PRM–40–28. The petitioner requests that the NRC amend its regulations governing the domestic licensing of source material to provide additional rules for the effective control of depleted uranium aircraft counterweights. The petitioner believes that this regulatory clarification should address a number of issues concerning the exemption, storage, and disposal of these devices.

DATES: Submit comments by April 5, 2000. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemakings and Adjudications staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 am and 4:15 pm on Federal workdays.

For a copy of the petition, write to David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

You may also provide comments via the NRC's interactive rulemaking website at http://ruleforum.llnl.gov. This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (e-mail: CAG@nrc.gov).

Documents created or received at the NRC after November 1, 1999, are also available electronically at the NRC's Public Electronic Reading Room on the Internet at *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain entry into the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. For more information, contact the NRC Public Document Room (PDR) reference staff at 1–800–397–4209, 202–634–3273 or by email to *pdr@nrc.gov.*

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Telephone: 301–415–7162 or Toll-free: 1–800–368–5642 or E-mail: *DLM1@NRC.GOV.*

SUPPLEMENTARY INFORMATION:

Background

On November 16, 1999, the Nuclear Regulatory Commission (NRC) docketed a letter from David A. Barbour, Philotechnics, to a member of the NRC staff as a petition for rulemaking under 10 CFR 2.802. In his letter, Mr. Barbour

refers to a current NRC rulemaking to establish additional requirements for certain generally licensed devices containing byproduct materials. Mr. Barbour indicates that concerns similar to those being addressed in the rulemaking on generally licensed devices are relevant to depleted uranium aircraft counterweights, although these devices are beyond the scope of the current rulemaking. While Mr. Barbour did not specifically characterize his letter as a petition under § 2.802, Mr. Barbour clearly desires the NRC to take regulatory action to control these devices more effectively.

The Requested Action

The petitioner requests that the NRC amend its regulations to provide for additional rules that would define and clarify responsibilities for the effective control of depleted uranium aircraft counterweights. The petitioner believes that the amendment should clarify at what point and under what circumstances, the licensing exemption for these devices in 10 CFR 40.13(c)(5) is no longer applicable to these devices; the length of time counterweights for which there is no demand or use may be stored as exempt material; the regulations that apply to aircraft that have been removed from service which have depleted uranium counterweights that can be transferred to unlicensed parts dealers and salvage operators; and, the need for radiological surveillance of long-term aircraft storage parks and facilities where aircraft with depleted uranium counterweights are regularly stored for protracted periods under unmonitored conditions. The petitioner believes that the control and accountability issues involving these counterweights closely parallel those same issues being addressed in the generally licensed devices rulemaking. The petitioner suggests either expanding the scope of that rulemaking to include depleted uranium aircraft counterweights or initiating a separate rulemaking along similar lines.

Additionally, the petitioner believes that an immediate notification is necessary to advise those organizations that currently possess depleted uranium aircraft counterweights of their responsibilities to the public. The petitioner asserts that the aviation community is tightly regulated and law abiding and that there are extremely effective channels of communication between the industry and its primary regulator, the Federal Aviation Administration (FAA). The petitioner suggests that the NRC take advantage of this situation by encouraging the FAA to issue an appropriate advisory bulletin that informs the aviation community of its responsibilities for managing depleted uranium counterweights. The petitioner has provided a summary of key points that should be considered for incorporation in such a notification.

The Regulatory Situation

Counterweights are made of extremely dense materials such as depleted uranium. They are used to balance the control surfaces of ailerons and elevators to facilitate hydraulic adjustments during flight. Depleted uranium counterweights are currently exempted from all regulation as an unimportant quantity of source material while they are installed on an airplane or stored or handled incident to installation or removal (10 CFR 40.13 (c)(5)). These counterweights must, however, be manufactured in accordance with a specific license. The manufacturer must clearly impress them with the legend ''Depleted Uranium,'' and must properly mark or label them with the manufacturer's identification and the statement ''Unauthorized Alterations Prohibited.''

According to the petitioner, the clear implication of these provisions is that when a counterweight made of depleted uranium is removed from service, it loses this regulatory exemption. Neither the language in the current regulation nor the Statement of Considerations accompanying this exemption make that clear. Therefore, when a fleet is retired or a plane is scrapped, significant quantities of depleted uranium counterweights become source material that require a license. The petitioner asserts that these counterweights may then be in the possession of an organization that has no license and no knowledge of the hazards of the material or the regulatory requirements that may be applicable. Over the past nine months, the petitioner's firm, Philotechnics, has conducted extensive, informal industry surveys that confirm widespread unawareness of the responsibilities and controls applicable to depleted uranium counterweights.

The petitioner contends that a general license cannot be invoked to control the material because the amount of depleted uranium that may be possessed under a general license is limited to 15 pounds (10 CFR 40.22). The petitioner indicates that very few counterweights weigh less than 15 pounds with most depleted uranium counterweights for a wide-body aircraft weighing between 20 and 50 pounds. The petitioner continues to explain that the quantities almost always exceed the general license limit because a ''ship set'' of counterweights includes many counterweights that collectively weigh over 1000 pounds for most aircraft models.

Use of Depleted Uranium Counterweights

The petitioner indicates that depleted uranium counterweights were once widely used on wide-body commercial aircraft such as the L–1011 Tristar, the DC–10, and the Boeing 747. These counterweights were also used on general aviation planes such as the JetStar and military and naval aircraft including the A–7, F–111, C–5A, C–130, C–141, P–3C, and S–3B. Some aircraft, like the A–7, have passed from U.S. service to our allies along with their depleted uranium counterweights. While some of these aircraft continue to use depleted uranium counterweights, others are converting their counterweights to tungsten.

The petitioner explains that although depleted uranium counterweights are being replaced by counterweights made of tungsten for new production aircraft, a legacy of depleted uranium counterweights remains on older planes. The petitioner states that the total amount of depleted uranium counterweights is difficult to determine with accuracy because the quantity would vary for each different model of wide-body aircraft. The petitioner used parts listings and structural drawings to determine the amount of depleted uranium in ship sets of counterweights for representative L–1011, DC–10, 747, and JetStar aircraft. Based on the number of these planes in existence and a survey of the quantities of counterweights in the inventories of aviation parts suppliers, the petitioner estimates that as much as two million pounds of counterweights made of deleted uranium may be in service.

The petitioner believes that as many of these planes reach the end of their economical service life, depleted uranium counterweights are beginning to enter uncontrolled disposal channels in a rapidly increasing stream. The petitioner presents the average ages of existing wide-body commercial aircraft as 22.9 years for the L–1011, 23.4 years for the DC–10, and 15.8 years for the 747. The petitioner states that increasing numbers of these aircraft are being set down, parted out, and scrapped. The petitioner asserts that major airlines are knowledgeable enough to ensure appropriate disposal of their surplus counterweight spares, although the spares may be stored for prolonged periods without a license. The petitioner believes that those counterweights entering parts or salvage channels may be abandoned or

transferred to unlicensed operators and disposed of in municipal and industrial landfills and other sites. The petitioner also believes that many thousands of pounds are being improperly disposed of and that many of the disposal companies are unaware of proper storage and disposal requirements. The petitioner reports incidents where depleted uranium counterweights were improperly reused for other purposes and asserts that abandoned counterweights have been encountered at airports and discarded in trash dumpsters.

In addition, the petitioner contends that depleted uranium counterweights remain on aircraft that are retired from service and consigned to long-term storage, parts recovery, or salvage. The petitioner states that these devices are prone to corrosion but that they are plated and painted to retard oxidation. The petitioner asserts that when depleted uranium counterweights are no longer maintained in airworthy condition and subject to systematic inspection, the release of uranium oxides is highly probable. The petitioner states that observations of the C–141 maintenance program confirm that, without continuing surveillance, corrosion of depleted uranium counterweights can progress to the point where radiological contamination of maintenance facilities and long-term storage areas is possible. The petitioner believes that this potential environmental release could be minimized by terminating the exemption of counterweights on aircraft that are not in active use.

Unresolved Issues

The petitioner presents a number of unresolved issues that the petitioner believes should be addressed in any subsequent rulemaking on this matter.

1. How long may an airline possess depleted uranium counterweights as spare parts after a fleet of aircraft with these devices has been set down before it must apply for a source material license? The petitioner believes that as aging planes are retired and ''parted out'', spare parts inventories will swell at the same time as real demand disappears with the transition to tungsten counterweights and the reduced number of aircraft to be supported. The petitioner asserts that regulations containing criteria based on intent, such as the intent to sell surplus counterweights, are difficult to enforce.

Furthermore, the petitioner fears that it may be cheaper to store depleted uranium counterweights than to pay the cost of authorized disposal. The petitioner likens this scenario to the situation that resulted in NRC's issuance of the timeliness rule, an action that mandates decommissioning if a licensed facility remains idle for two years. The petitioner suggests that depleted uranium aircraft counterweights should lose their exemption if they have not been used in flight or, for a particular part number, there is no demand during a specified time period.

The petitioner believes that the way a part is managed provides another objective indication of its intended use. Modern aircraft incorporate over one million different parts that are almost always managed by an automated data processing system. The petitioner explains that parts are commonly classified in such a system as either ''repairable'' or ''consumable.'' Consumable parts that do not meet the criteria for airworthiness are automatically directed to disposal channels. If a depleted uranium counterweight is classified as a ''consumable'' part in an organization's automated data system, there is a clear indication that the part should lose its licensing exemption as soon as it is removed from an aircraft.

2. The petitioner presumes that the exemption from licensing for depleted uranium counterweights stored incident to installation on an aircraft applies to counterweights in the inventories of aviation parts dealers who are attempting to sell them for their intended use. In that case, should such counterweights retain their exemption from licensing after being held in storage for a specified period without being sold?

3. Can depleted uranium counterweights in the possession of a salvor, scrap dealer, or parts broker be considered exempt from licensing because of the theoretical possibility of their future use on an aircraft? These types of organizations may acquire parts that they do not expressly want because they are included in a large-scale consignment, transaction, or inventory transfer along with other high-demand parts. The petitioner cites an FAA requirement that all parts used on an aircraft be documented for airworthiness. Counterweights coming out of a tear-down facility would have to go through and meet FAA's procedures before they could be put to their original intended use. The petitioner points out that this is an expensive procedure that a facility would not undertake unless there was a realistic possibility that the part could be reused.

The petitioner further asserts that the transfer of depleted uranium counterweights without the receiving facility obtaining proper FAA forms is probably inconsistent with the intent of the current regulations. Therefore, the petitioner suggests that, from the time the devices are removed from an aircraft and enter either parts or salvage channels, the possessor should bear the burden of demonstrating a realistic possibility of reuse.

4. Do depleted uranium counterweights installed on an aircraft lose their exemption from licensing if they remain installed on an aircraft and the aircraft is placed in long-term storage or transferred for ''parting out'' or salvage? The petitioner believes that aircraft not maintained in an airworthy condition and subject to periodic inspection will eventually experience corrosion of the counterweights and release radioactive oxide into storage areas and the adjacent environment. The petitioner cites the FAA definition of aircraft as a device intended for flight. Therefore, a device removed from service would cease to be an aircraft according to the FAA. If installation on a non-operational aircraft qualifies depleted uranium counterweights for exemption from licensing, a parts company performing a tear-down operation could remove high-value components for refurbishment and reuse while leaving the counterweights attached to a stripped aircraft consigned for scrapping. At what point does the stripped aircraft cease to be an aircraft? Can depleted uranium counterweights that are left on a bare airframe be considered legally abandoned?

5. The petitioner states that, under the proposed generally licensed devices rulemaking, devices containing byproduct material that were stored for two years without being used will require disposition. The petitioner asks if depleted uranium counterweights installed on an aircraft parked in long-term storage and not flown for a specified period lose their exemption. Would the owner/operator of the storage facility be required to obtain a source material license, remove the counterweights and place them in controlled storage, or perform periodic radiation monitoring and surveillance to ensure against the release of radioactive corrosion products into the environment?

6. The petitioner states that military aircraft with depleted uranium counterweights, such as the A–7 Corsair, have been transferred to foreign governments through military sales. The petitioner believes that the gaining governments may not always be aware of the presence of depleted uranium and the appropriate controls. The petitioner believes that notification and

information requirements appropriate for this type of transfer should be established.

The Petitioner's Conclusion

The petitioner believes that the NRC should conduct a rulemaking that would define and clarify responsibilities for the effective control of depleted uranium aircraft counterweights. The petitioner believes that the rule should specify at what point and under what circumstances the licensing exemption for these devices is no longer applicable; the length of time counterweights for which there is no demand or use may be stored as exempt material; the regulations that apply to aircraft that are removed from service with depleted uranium counterweights that can be transferred to unlicensed parts dealers and salvage operators; and, the need for radiological surveillance of long-term aircraft storage parks and facilities where aircraft with depleted uranium counterweights are regularly stored for protracted periods under unmonitored conditions. The petitioner believes that the current rulemaking on generally licensed devices should be expanded to include depleted uranium counterweights or that a separate rulemaking along similar lines should be initiated.

Dated at Rockville, Maryland, this 13th day of January, 2000.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 00–1301 Filed 1–20–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

RIN 3150–AG32

List of Approved Spent Fuel Storage Casks: NAC UMS Addition

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission (NRC) is proposing to amend its regulations to add the NAC UMS Universal Storage System (NAC–UMS) to the list of approved spent fuel storage casks. This amendment will allow the holders of power reactor operating licenses to store spent fuel in the NAC UMS cask system under a general license.

DATES: The comment period expires April 5, 2000. Comments received after this date will be considered if it is practical to do so, but the NRC is able to assure consideration only for comments received on or before this date.

ADDRESSES: Submit comments to: Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001. Attention: Rulemakings and Adjudications Staff.

Deliver comments to 11555 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. on Federal workdays.

You may also provide comments via the NRC's interactive rulemaking website (*http://ruleforumllnl.gov*). This site provides the capability to upload comments as files (any format), if your web browser supports that function. For information about the interactive rulemaking website, contact Ms. Carol Gallagher, (301) 415–5905 (*e-mail: cag@nrc.gov*).

Copies of any comments received may be examined at the NRC Public Document Room, 2120 L Street, NW (Lower Level), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Stan Turel, telephone (301) 415–6234, e-mail, spt@nrc.gov of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended (NWPA), requires that ''[t]he Secretary [of the Department of Energy] shall establish a demonstration program in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian power reactor sites, with the objective of establishing one or more technologies the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the NWPA states, in part, ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 218(a) for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license, publishing on July 18, 1990, a final rule in 10 CFR Part 72 entitled, ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181). This rule also established a new Subpart L within 10 CFR Part 72 entitled, ''Approval of Spent Fuel Storage Casks'' containing procedures and criteria for obtaining NRC approval of dry storage cask designs.

Discussion

This proposed rule would add the NAC UMS Universal Storage System (NAC–UMS) to the list of NRC-approved casks for spent fuel storage in 10 CFR 72.214. Following the procedures specified in 10 CFR 72.230 of Subpart L, NAC International, Inc. (NAC) submitted an application for NRC approval with the Safety Analysis Report (SAR): ''Safety Analysis Report for the NAC UMS Universal Storage System.'' The NRC evaluated the NAC submittal and issued a preliminary Safety Evaluation Report (SER) on the NAC SAR and a proposed Certificate of Compliance (CoC) for the NAC UMS cask system.

The NRC is proposing to approve the NAC UMS cask system for storage of spent fuel under the conditions specified in the proposed CoC. This cask system, when used in accordance with the conditions specified in the CoC and NRC regulations, will meet the requirements of 10 CFR Part 72; thus, adequate protection of the public health and safety would be ensured. This cask system is being proposed for listing under 10 CFR 72.214, ''List of approved spent fuel storage casks,'' to allow holders of power reactor operating licenses to store spent fuel in this cask system under a general license. The CoC would terminate 20 years after the effective date of the final rule listing this cask in 10 CFR 72.214, unless the cask system's CoC is renewed. The certificate contains conditions for use specific for this cask system and addresses issues such as operating procedures, training exercises, and spent fuel specification.

The proposed CoC for the NAC UMS cask system and the underlying preliminary SER, are available for inspection and comment at the NRC Public Document Room, 2120 L Street, NW. (Lower Level), Washington, DC. Single copies of the proposed CoC and preliminary SER may be obtained from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–6234, email spt@nrc.gov.

Discussion of Proposed Amendments by Section

Section 72.214 List of approved spent fuel storage casks.

Certificate No. 1015 would be added indicating that:

(1) The title of the SAR submitted by NAC International, Inc. is ''Final Safety

Analysis Report for the NAC UMS Universal Storage System'';

(2) The docket number is 72–1015;

(3) The certificate expiration date would be 20 years after final rule effective date; and

(4) The model number affected is NAC–UMS.

Finding of No Significant Environmental Impact: Availability

Under the National Environmental Policy Act of 1969, as amended, and the NRC regulations in Subpart A of 10 CFR Part 51, the NRC has determined that this rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The rule is mainly administrative in nature. It would not have significant environmental impacts. The proposed rule would add the NAC UMS cask system to the list of approved spent fuel storage casks that power reactor licensees can use to store spent fuel at reactor sites without additional site-specific approvals by the NRC. The environmental assessment and finding of no significant impact on which this determination is based are available for inspection at the NRC Public Document Room, 2120 L Street NW. (Lower Level), Washington, DC. Single copies of the environmental assessment and finding of no significant impact are available from Stan Turel, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415–6234, email spt@nrc.gov.

Agreement State Compatibility

Under the ''Policy Statement on Adequacy and Compatibility of Agreement State Programs'' approved by the Commission on June 30, 1997, and published in the **Federal Register** on September 3, 1997 (62 FR 46517), this rule is classified as compatibility Category ''NRC.'' Compatibility is not required for Category ''NRC'' regulations. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended (AEA), or the provisions of the Title 10 of the Code of Federal Regulations. Although an Agreement State may not adopt program elements reserved to NRC, it may wish to inform its licensees of certain requirements via a mechanism that is consistent with the particular State's administrative procedure laws, but does not confer regulatory authority on the State.

Paperwork Reduction Act Statement

This proposed rule does not contain a new or amended information collection requirement subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing requirements were approved by the Office of Management and Budget, Approval Number 3150–0132.

Public Protection Notification

If a means used to impose an information collection does not display a currently valid OMB control number, the NRC may not conduct or sponsor, and a person is not required to respond to, the information collection.

Voluntary Consensus Standards

The National Technology Transfer Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this proposed rule, the NRC would add the NAC UMS cask system to the list of NRC approved casks for spent fuel storage in 10 CFR 72.214. This action does not constitute the establishment of a standard that establishes generally-applicable requirements.

Plain Language

The Presidential Memorandum dated June 1, 1998, entitled ''Plain Language in Government Writing,'' directed that the Government's writing be in plain language. The NRC requests comments on this proposed rule specifically with respect to the clarity and effectiveness of the language used. Comments should be sent to the address listed under the heading **ADDRESSES** above.

Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR Part 72 to provide for the storage of spent nuclear fuel under a general license. Any nuclear power reactor licensee can use NRC-certified casks to store spent nuclear fuel if it notifies the NRC in advance, spent fuel is stored under the conditions specified in the cask's CoC, and the conditions of the general license are met. In that rule, four spent fuel storage casks were approved for use at reactor sites and were listed in 10 CFR 72.214. That rule envisioned that storage casks certified in the future could be added to the listing in 10 CFR 72.214 through rulemaking procedures. Procedures and criteria for obtaining NRC approval of new spent fuel storage cask designs were provided in 10 CFR Part 72, Subpart L. Subsequently, additional casks have been added to the listing in 10 CFR 72.214.

The alternative to this proposed action is not to certify these new designs and give a site-specific license to each utility that proposes to use the casks. This would cost the NRC and the utilities more time and money because each utility would have to pursue a new site-specific license. Using site-specific reviews would ignore the procedures and criteria currently in place for the addition of new cask designs and would be in conflict with the NWPA direction to the Commission to approve technologies for the use of spent fuel storage at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site reviews. Also, this alternative discourages competition because it would exclude new vendors without cause and would arbitrarily limit the choice of cask designs available to power reactor licensees.

Approval of the proposed rule would eliminate the above problems and is consistent with previous Commission actions. Further, the proposed rule will have no adverse effect on public health and safety.

The benefit of this proposed rule to nuclear power reactor licensees is to make available a greater choice of spent fuel storage cask designs that can be used under a general license. The new cask vendors with casks to be listed in 10 CFR 72.214 benefit by having to obtain NRC certificates only once for a design that can then be used by more than one power reactor licensee. The NRC also benefits because it will need to certify a cask design only once for use by multiple licensees. Casks approved through rulemaking are to be suitable for use under a range of environmental conditions sufficiently broad to encompass multiple nuclear power plant sites in the United States without the need for further site-specific approval by NRC. Vendors with cask designs already listed may be adversely impacted because power reactor licensees may choose a newly listed design over an existing one. However, the NRC is required by its regulations and the NWPA direction to certify and list approved casks. This proposed rule would have no significant identifiable impact or benefit on other Government agencies.

Based on the above discussion of the benefits and impacts of the alternatives, the NRC concludes that the requirements of the proposed rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative

is believed to be as satisfactory, and thus, this action is recommended.

Regulatory Flexibility Certification

In accordance with the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this rule will not, if promulgated, have a significant economic impact on a substantial number of small entities. This proposed rule affects only the licensing and operation of nuclear power plants, independent spent fuel storage facilities, and NAC. The companies that own these plants do not fall within the scope of the definition of ''small entities'' set forth in the Regulatory Flexibility Act or the Small Business Size Standards set out in regulations issued by the Small Business Administration at 13 CFR Part 121.

Backfit Analysis

The NRC has determined that the backfit rule (10 CFR 50.109 or 10 CFR 72.62) does not apply to this proposed rule because this amendment does not involve any provisions that would impose backfits as defined in the backfit rule. Therefore, a backfit analysis is not required.

List of Subjects in 10 CFR Part 72

Criminal penalties, Manpower training programs, Nuclear materials, Occupational safety and health, Reporting and recordkeeping requirements, Security measures, Spent fuel.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; and 5 U.S.C. 553; the NRC is proposing to adopt the following amendments to 10 CFR Part 72.

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE

1. The authority citation for Part 72 continues to read as follows:

Authority: Secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 68 Stat. 929, 930, 932, 933, 934, 935, 948, 953, 954, 955, as amended, sec. 234, 83 Stat. 444, as amended (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2232, 2233, 2234, 2236, 2237, 2238, 2282); sec. 274, Pub. L. 86–373, 73 Stat. 688, as amended (42 U.S.C. 2021); sec. 201, as amended, 202, 206, 88 Stat. 1242, as amended, 1244, 1246 (42 U.S.C. 5841, 5842, 5846); Pub. L. 95–601, sec. 10, 92 Stat. 2951 as amended by Pub. L. 10d–48b, sec. 7902, 10b Stat. 31b3 (42 U.S.C. 5851); sec. 102, Pub. L. 91–190, 83 Stat. 853 (42 U.S.C. 4332); secs. 131, 132, 133, 135, 137, 141, Pub. L. 97–425, 96 Stat. 2229, 2230, 2232, 2241, sec. 148, Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10151, 10152, 10153, 10155, 10157, 10161, 10168).

Section 72.44(g) also issued under secs. 142(b) and 148(c), (d), Pub. L. 100–203, 101 Stat. 1330–232, 1330–236 (42 U.S.C. 10162(b), 10168(c),(d)). Section 72.46 also issued under sec. 189, 68 Stat. 955 (42 U.S.C. 2239); sec. 134, Pub. L. 97–425, 96 Stat. 2230 (42 U.S.C. 10154). Section 72.96(d) also issued under sec. 145(g), Pub. L. 100–203, 101 Stat. 1330–235 (42 U.S.C. 10165(g)). Subpart J also issued under secs. 2(2), 2(15), 2(19), 117(a), 141(h), Pub. L. 97–425, 96 Stat. 2202, 2203, 2204, 2222, 2244, (42 U.S.C. 10101, 10137(a), 10161(h)). Subparts K and L are also issued under sec. 133, 98 Stat. 2230 (42 U.S.C. 10153) and sec. 218(a), 96 Stat. 2252 (42 U.S.C. 10198).

2. In § 72.214, Certificate of Compliance 1015 is added to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1015.

SAR Submitted by: NAC International, Inc.

SAR Title: Final Safety Analysis Report for the NAC UMS Universal Storage System.

Docket Number: 72–1015.

Certificate Expiration Date: [insert 20 years after the effective date of the final rule].

Model Number: NAC–UMS.

* * * * *

Dated at Rockville, Maryland, this 27th day of December, 1999.

For the Nuclear Regulatory Commission.

Patricia G. Norry,

Acting Executive Director for Operations.

[FR Doc. 00–1454 Filed 1–20–00; 8:45 am]

BILLING CODE 7590–01–D

SECURITIES AND EXCHANGE COMMISSION

17 CFR Chapter II

[Release Nos. 33–7790, 34–42331, 35–27125, 39–2381, IC–24238, IA–1850; File No. S7–02–00]

List of Rules To Be Reviewed Pursuant to the Regulatory Flexibility Act

AGENCY: Securities and Exchange Commission.

ACTION: Publication of list of rules scheduled for review.

SUMMARY: The Securities and Exchange Commission is today publishing a list of rules to be reviewed pursuant to Section 610 of the Regulatory Flexibility Act. The list is published to provide the public with notice that these rules are scheduled for review by the agency and to invite public comment on them.

DATES: Public comments are due by February 15, 2000.

ADDRESSES: Persons wishing to submit written comments should file three copies with Jonathan G. Katz, Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Room 6184, Washington, DC 20549–0609. All submissions should refer to File No. S7–XX–00, and will be available for public inspection and copying at the Commission's Public Reference Room, Room 1026, at the same address.

FOR FURTHER INFORMATION CONTACT: Anne H. Sullivan, Office of the General Counsel, Securities and Exchange Commission 202–942–0954.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (''RFA'') *codified at* 5 U.S.C. 600–611 requires agencies to review rules which have a significant economic impact upon a substantial number of small entities every ten years. The purpose of the review is to ''to determine whether such rules should be continued without change, or should be amended or rescinded * * * to minimize any significant economic impact of the rules upon a substantial number of such small entities'' (5 U.S.C. 610(a)).

The RFA sets forth specific considerations that must be addressed in the review of each rule:

- the continued need for the rule;
- the nature of complaints or comments received concerning the rule from the public;
- the complexity of the rule;
- the extent to which the rule overlaps, duplicates or conflicts with other Federal rules, and, to the extent feasible, with State and local governmental rules; and
- the length of time since the rule has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule (5 U.S.C. 610(c)).

The Commission particularly solicits public comment on whether the rules listed below affect small businesses in new or different ways than when they were first adopted. The Securities and Exchange Commission, as a matter of policy, reviews all rules which it publishes for notice and comment to assess not only their continued compliance with the RFA, but also to assess generally their continued utility. When the Commission implemented the Act in 1980, it stated that it ''intend[ed] to conduct a broader review [than that

required by the RFA], with a view to identifying those rules in need of modification or even rescission.'' Sec. Act. Rel. No. 6302 (Mar. 20, 1980). 46 FR 19251. The list below is therefore broader than that required by the RFA (and may include rules that do not have a substantial impact on a significant number of small entities). Where the Commission has previously made a determination of a rule's impact on small businesses, the determination is noted on the list.

Pursuant to the RFA, the rules and forms listed below are scheduled for review by staff of the Commission during the next twelve months. The rules are grouped according to which Division or Office of the Commission will review each rule:

Form To Be Reviewed by the Division of Corporation Finance

Title: Form S–8.

Citation: 17 CFR 239.16b.

Authority: 15 U.S.C. 77a *et seq.*

Description: Form S–8 is a registration statement under the Securities Act of 1933 used for the registration of securities issued to employees under employee benefit plans and other compensatory arrangements.

Prior Commission Determination Under 5 U.S.C. 601: In connection with the release adopting major revisions to Form S–8 published in the **Federal Register** on June 13, 1990, the Commission concluded in its Final Regulatory Flexibility Analysis that the changes would benefit small entities by decreasing significantly the impact of reporting, recordkeeping and compliance requirements upon registrants and plans registering on Form S–8. On March 8, 1999, the Commission published subsequent amendments designed to deter fraud in connection with the use of Form S–8. In the Final Regulatory Flexibility Analysis, the Commission determined that no new regulatory burdens were being imposed.

Rule To Be Reviewed by the Office of the Chief Accountant

Title: Article 12 of Regulation S–X.

Citation: 17 CFR 210.12–01 through 210.12–29.

Authority: 15 U.S.C. 77a *et seq.*; 15 U.S.C. 78a *et seq.*; 15 U.S.C. 79a *et seq.*; and 15 U.S.C. 80a–1 *et seq.*

Description: Article 12 prescribes the form and content of schedules that should be attached to a registrant's financial statements.

Prior Commission Final Action Under 5 U.S.C. 601: Article 12 was significantly revised in Accounting Series Release No. 280, which was published in the **Federal Register** on September 2, 1980. The Article has been revised subsequently, with the most recent amendments published in Financial Reporting Release No. (FR) 44 on December 13, 1994. FR 44 eliminated several schedules as part of the Commission's disclosure simplification program. These changes were designed to reduce the burden on small issuers and others.

Rule To Be Reviewed by the Division of Market Regulation

Title: Rule 14e–4 (Prohibited Transactions in Connection with Partial Tender Offers).

Citation: 17 CFR 240.14e–4.

Authority: 15 U.S.C. 78c, 78j, 78n, 78o, and 78w.

Description: Rule 14e–4 prohibits ''short tendering,'' *i.e.,* tendering more shares than a person owns in order to avoid or reduce the risk of pro rata acceptance in partial tender and ''hedged tendering'' in connection with partial tender offers, *i.e.,* tendering and then selling a portion of the tendered shares in the market.

Prior Commission Determination Under 5 U.S.C. 601: In connection with the release proposing rule 14e–4, which was published in the **Federal Register** on March 8, 1989, the Chairman of the Commission certified that the rule would not have a significant economic impact on a substantial number of small entities. The Commission received no comments on the certification.

Rules and Forms To Be Reviewed by the Division of Investment Management

Title: Rule 11a–3.

Citation: 17 CFR 270.11a–3.

Authority: 15 U.S.C. 80a–6(c), 80a–11(a), 80a–37, and 80a–39.

Description: Rule 11a–3 under the Investment Company Act of 1940 sets forth conditions under which an open-end investment company (''fund''), other than a separate account, may offer a security holder of the fund, or of any other fund in the same fund group, to exchange his security for a security of the offering fund.

Prior Commission Final Action Under 5 U.S.C. 601: The Commission prepared a Final Regulatory Flexibility Analysis (''FRFA'') in connection with the release adopting rule 11a–3, published in the **Federal Register** on August 24, 1989. The Commission stated that the exemptive rule was intended to reduce significantly the expense and burden to funds, including small funds, of filing applications regarding exchange offers. In addition, to the extent that funds relying on the rule would be required to make disclosures, the Commission concluded those requirements would not result in a significant economic impact on a substantial number of small entities. The Commission adopted conforming amendments to the rule's definition of ''deferred sales load'' in September 1996, which did not affect the Commission's FRFA.

Title: Rule 32a–3.

Citation: 17 CFR 270.32a–3.

Authority: 15 U.S.C. 80a–6(c), 80a–37, and 80a–39.

Description: Rule 32a–3 under the Investment Company Act of 1940 provides an exemption from the provision of Section 32(a)(1) of that Act regarding the time period during which a registered management investment company must select an independent public accountant.

Prior Commission Final Action Under 5 U.S.C. 601: In connection with the release proposing Rule 32a–3, which was published in the **Federal Register** on March 8, 1989, the Chairman certified that if adopted, the rule would not have a significant economic effect on a substantial number of small entities. The Commission received no comments on the certification.

Title: Form N–17f–2.

Citation: 17 CFR 274.220.

Authority: 15 U.S.C. 80a–37 and 80a–39.

Description: Form N–17f–2 under the Investment Company Act of 1940 is filed under Rule 17f–2 of that Act. The Form is the cover page for a certificate of accounting of securities and similar investments of a management investment company that are maintained in the custody of that company.

Prior Commission Final Action Under 5 U.S.C. 601: In connection with the release proposing rule Form N–17f–2, which was published in the **Federal Register** on August 9, 1989, the Chairman certified that if adopted, the form would not have a significant economic effect on a substantial number of small entities. The Commission received no comments on the certification.

Title: Form ADV–E.

Citation: 17 CFR 279.8.

Authority: 15 U.S.C. 80b–1 *et seq.*

Description: Form ADV–E under the Investment Advisers Act of 1940 is the form used as a cover page for a certificate of accounting of securities and funds in possession or custody of an investment adviser.

Prior Commission Final Action Under 5 U.S.C. 601: The Chairman signed a Regulatory Flexibility Certification in connection with the release adopting Form ADV–E. The release was

published in the **Federal Register** on August 4, 1989. The Certification states that, if adopted, the Form will not have a significant economic impact on a substantial number of small entities. The Certification states that Form ADV–E would serve as a cover sheet to accountant examination certificates, and consequently, only entities required to file an examination certificate would be required to file the proposed form. The Certification also states that the form would neither require additional information to be gathered or disclosed, nor impose a new filing burden. Therefore, the form would not have a significant economic impact on a substantial number of small entities.

Title: Form U–13–1.

Citation: 17 CFR 259.113.

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79q, and 79t.

Description: Form U–13–1 under the Public Utility Holding Company Act of 1935 is the application to be filed for approval of a company as a mutual service company pursuant to Rule 88 under the Act or the declaration to be filed with respect to the organization and conduct of business of a subsidiary service company pursuant to Rule 88 under the Act.

Prior Commission Final Action Under 5 U.S.C. 601: The Form was adopted prior to the enactment of the Regulatory Flexibility Act, and has not been amended since the enactment of the RFA. The Commission has taken no prior action on this Form under the RFA.

Title: Form U–12(I)–A.

Citation: 17 CFR 259.212a.

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l* 79m, 79q and 79t.

Description: Form U–12(I)–A under the Public Utility Holding Company Act of 1935 is a statement to be filed by a person employed by a registered holding company or employed by a subsidiary of a registered holding company who engages in any activity within the scope of Section 12(I) of the Act.

Prior Commission Final Action Under 5 U.S.C. 601: In connection with the release proposing revisions to Form U–12(I)–A published in the **Federal Register** on November 4, 1992, the Chairman of the Commission certified that the amended rules would not have a significant impact on a substantial number of small entities. The Commission received no comments on the certification.

Title: Form U–12(I)–B.

Citation: 17 CFR 259.212b.

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79q, and 79t.

Description: Form U–12(I)–B under the Public Utility Holding Company Act of 1935 is an advance statement to be filed every three years by a person employed by a registered holding company or employed by a subsidiary of a registered holding company who engages in any activity within the scope of Section 12(I) of the Act and whose anticipated activities contemplate only routine expenses as specified in Rule 71(b) under the Act.

Prior Commission Final Action Under 5 U.S.C. 601: In connection with the release adopting revisions to Form U–12(I)–B published in the **Federal Register** on April 28, 1994, the Chairman of the Commission certified that the amended rules would not have a significant impact on a substantial number of small entities.

Title: Form U–R–1.

Citation: 17 CFR 259.221.

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79q, and 79t.

Description: Form U–R–1 under the Public Utility Holding Company Act of 1935 is a declaration to be filed pursuant to Rule 62 under the Act for solicitations in connection with any reorganization subject to the rule.

Prior Commission Final Action Under 5 U.S.C. 601: The Form was adopted prior to the enactment of the Regulatory Flexibility Act and has not been amended since the enactment of the RFA. The Commission has taken no prior action on this Form under the RFA.

Title: Form U–13–60.

Citation: 17 CFR 259.313.

Authority: 15 U.S.C. 79m.

Description: Form U–13–60 under the Public Utility Holding Company Act of 1935 is to be filed pursuant to Rule 94 under the Act by mutual service companies and subsidiary service companies required under the rule to file annual reports under Section 13 of the Act.

Prior Commission Final Action Under 5 U.S.C. 601: The Form was adopted prior to the enactment of the Regulatory Flexibility Act and has not been amended since the enactment of the RFA. The Commission has taken no prior action on this Form under the RFA.

Title: Form U–3A3–1.

Citation: 17 CFR 259.403.

Authority: 15 U.S.C. 79e, 79f, 79g, 79j, 79*l*, 79m, 79q and 79t.

Description: Form U–3A3–1 under the Public Utility Holding Company Act of 1935 is a statement to be filed pursuant to Rule 3 under the Act by a bank claiming exemption from any obligation, duty, or liability as a holding company under the Act.

Prior Commission Final Action Under 5 U.S.C. 601: The Form was adopted prior to the enactment of the Regulatory Flexibility Act, and has not been amended since the enactment of the RFA. The Commission has taken no prior action on this Form under the RFA.

The Commission invites public comment on both the list and on the rules to be reviewed.

By the Commission.

Dated: January 12, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1475 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–208254–90]

RIN 1545–AO72

Source of Compensation for Labor or Personal Services

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking and notice of public hearing.

SUMMARY: This document contains a proposed Income Tax Regulation describing the appropriate basis for determining the source of income from labor or personal services performed partly within and partly without the United States. This proposed regulation would modify the existing final regulation under section 861 of the Internal Revenue Code (Code). This regulation would affect foreign and United States persons that perform services partly within and partly without the United States during the taxable year. This document also provides a notice of a public hearing on this proposed regulation.

DATES: Written and electronic comments and outlines of topics to be discussed at the public hearing scheduled for April 19, 2000, must be received by March 29, 2000.

ADDRESSES: Send submissions to: CC:DOM:CORP:R (REG–208254–90), room 5226, Internal Revenue Service, POB 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand delivered Monday through Friday between the hours of 8 a.m. and 5 p.m. to: CC:DOM:CORP:R (REG–208254–90), Courier's Desk, Internal Revenue Service, 1111 Constitution

Avenue, NW., Washington, DC. Alternatively, taxpayers may submit comments electronically via the Internet by selecting the ''Tax Reg'' option on the IRS Home Page, or by submitting comments directly to the IRS Internet site at http://www.irs.ustreas.gov/tax__regs/regslist.html. The public hearing will be held at 10 a.m. in room 2615, Internal Revenue Building, 1111 Constitution Avenue, NW., Washington DC.

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulation, David Bergkuist of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, (202) 622–3850; concerning submission of comments, the hearing, and/or to be placed on the building access list to attend the hearing, LaNita Van Dyke (202) 622–7180 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 861 of the Internal Revenue Code (Code). These amendments modify the application of the existing final regulation relating to the determination of the source of income from the performance of labor or personal services when such labor or personal services are performed partly within and partly without the United States.

Explanation of Provisions

Section 861(a)(3) of the Code provides, in general, that compensation for the performance of labor or personal services within the United States is treated as gross income from sources within the United States. Generally, under current § 1.861–4(b)(1)(i) of the Income Tax Regulations, if a specific amount is paid for labor or personal services performed in the United States, that amount shall be included in United States source gross income. If no accurate allocation or segregation of amounts paid as compensation for labor or personal services performed in the United States can be made, or when such compensation is paid for labor or personal service performed partly within and partly without the United States, this regulation provides that the amount to be included in gross income from sources within the United States shall be determined on the basis that most correctly reflects the proper source of income under the facts and circumstances of the particular case. In many cases, the facts and circumstances will be such that an apportionment on a time basis will be acceptable; that is, the amount to be included in gross income from sources within the United States will be that amount that bears the same relation to the total compensation as the number of days of performance of the labor or service within the United States bears to the total number of days of performance of labor or services for which the payment is made. In other cases, the facts and circumstances will be such that another method of apportionment will be acceptable.

The IRS understands that, under the current regulations, U.S. individuals posted overseas and foreign individuals posted to the United States generally apportion compensation on a time basis. However, the IRS has become aware that under the facts and circumstances test of the current regulations, U.S. individuals are taking the position that certain fringe benefits associated with an overseas posting by their employer should be considered compensation for labor or personal services performed outside the United States and treated entirely as foreign source income even though some services are performed within the United States during the time of the overseas posting. Conversely, foreign individuals posted to the United States are taking the position that fringe benefits associated with their U.S. posting should be apportioned between compensation for labor or personal services performed within and without the United States based upon the amount of time spent in each jurisdiction and would be partly U.S. and partly foreign source income. In addition, under the current regulations, similarly situated taxpayers may be treated differently depending upon how their employers account for any foreign posting fringe benefits. Where an employer separately states the value of a fringe benefit, a U.S. individual posted overseas may argue that the fringe benefit is entirely compensation for labor or personal services performed outside the United States and foreign source. However, another employee receiving the same amount of additional compensation as part of a foreign posting, but where that benefit is not separately stated, will often be required to apportion this benefit on the basis of time. Finally, the current regulations may allow U.S. individuals to take an inconsistent position for U.S. and foreign tax purposes with respect to the source of fringe benefits associated with an overseas posting and avoid all tax on such compensation.

Treasury and the IRS have determined that an individual who performs labor or personal services partly within and partly without the United States during a specific time period should apportion the services income, including any income in the nature of fringe benefits, between compensation for labor or personal services performed within and without the United States on a time basis. The amount of compensation paid for labor or personal services performed in the United States, as determined under proposed § 1.861–4(b), will constitute United States source income unless an exception applies under § 1.861–4(a). A time basis test for individuals will provide certainty as well as ease of administration for both taxpayers and the IRS. A time basis test will also prevent the possibility of in-bound taxpayers taking a time basis apportionment position to apportion a portion of their United States posting fringe benefits back to their home country while similarly situated out-bound taxpayers take a facts and circumstances position to allocate all of their fringe benefits to foreign sources. This rule will also eliminate any disparate treatment of similarly situated taxpayers that might occur due to their employer's method of wage accounting. Finally, Treasury and the IRS believe that this rule will limit the potential for individuals to take inconsistent positions for U.S. and foreign tax purposes with respect to the source of their fringe benefits and avoid all tax.

Treasury and the IRS have further determined that, with respect to persons other than an individual, an apportionment based upon all of the facts and circumstances available, for example, an apportionment based upon payroll expenses or capital and intangibles employed, may better reflect the proper source of such compensation. In many situations, an apportionment on a time basis may be acceptable.

The proposed regulation would delete as obsolete current § 1.861–4(b)(2), containing rules applicable to taxable years beginning before January 1, 1976.

Proposed Effective Date

These regulations are proposed to be applicable for taxable years beginning on or after the date they are published in the **Federal Register** as final regulations.

Special Analyses

It has been determined that this proposed rulemaking is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It has also been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. Chapter 5) does not apply to this regulation, and, because this regulation does not impose a collection

of information on small entities, the Regulatory Flexibility Act (5 U.S.C. Chapter 6) do not apply. Pursuant to section 7805(f) of the Internal Revenue Code, this notice of proposed rulemaking will be submitted the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Public Hearing

Before this proposed regulation is adopted as a final regulation, consideration will be given to any written comments (a signed original and eight (8) copies) and electronic comments that are submitted timely to the IRS. The IRS and Treasury Department request comments on the clarity of the proposed rule and how it may be made easier to understand. All comments will be available for public inspection and copying.

A public hearing has been scheduled for April 19, 2000, beginning at 10 a.m. in room 2615 of the Internal Revenue Building, 1111 Constitution Avenue, NW., Washington, DC. Due to building security procedures, visitors must enter at the 10th Street entrance, located between Constitution and Pennsylvania Avenues, NW. In addition, all visitors must present photo identification to enter the building. Because of access restrictions, visitors will not be admitted beyond the immediate entrance area more than 15 minutes before the hearing starts. For information about having your name placed on the building access list to attend the hearing, see the **FOR FURTHER INFORMATION CONTACT** section of this preamble.

The rules of 26 CFR 601.601(a)(3) apply to the hearing. Persons who wish to present oral comments at the hearing must submit written comments and an outline of the topics to be discussed and the time to be devoted to each topic (signed original and eight (8) copies) by March 29, 2000. A period of 10 minutes will be allotted to each person for making comments. An agenda showing the scheduling of the speakers will be prepared after the deadline for receiving outlines has passed. Copies of the agenda will be available free of charge at the hearing.

Drafting Information

The principal author of this regulation is David Bergkuist of the Office of Associate Chief Counsel (International), within the Office of Chief Counsel, Internal Revenue Service. However, other personnel from the IRS and Treasury Department participated in its development.

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 1 is proposed to be amended as follows:

PART 1—INCOME TAX

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

Authority: 26 U.S.C. 7805. * * *

Par. 2. Section 1.861–4 is amended as follows:

1. The heading for paragraph (a) is revised.
2. A new sentence is added at the beginning of paragraph (a)(1).
3. Paragraphs (b) and (d) are revised.

The addition and revisions read as follows:

§ 1.861–4 Compensation for labor or personal services.

(a) *Compensation for labor or personal services performed within the United States.* (1) Generally, a specific amount paid for labor or personal services performed in the United States is gross income from sources within the United States. * * *

* * * * *

(b) *Compensation for labor or personal services performed partly within and partly without the United States*—(1) *Persons other than individuals*. If a taxpayer other than an individual receives compensation for a specific time period for labor or personal services performed partly within and partly without the United States, the amount of compensation for labor or personal services performed in the United States shall be determined on the basis that most correctly reflects the proper source of the income under the facts and circumstances of the particular case. To the extent that a determination is made on a time basis, the time period to which the compensation for services relates is presumed to be the taxable year of the taxpayer in which the services are performed unless the taxpayer establishes to the satisfaction of the Commissioner, or the Commissioner determines, a change in circumstances that establishes a distinct, separate, and continuous period of time.

(2) *Individuals*. If an individual receives compensation, including fringe benefits, for a specific time period for labor or personal services that are performed partly within and partly without the United States, the amount of compensation for labor or personal services performed within the United States shall be determined on a time basis. An amount of compensation for labor or personal services performed in the United States determined on a time basis is an amount that bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the compensation payment is made. The time period to which the compensation for services relates is presumed to be the calendar year in which the services are performed, unless the taxpayer establishes to the satisfaction of the Commissioner, or the Commissioner determines, a change in circumstances that establishes a distinct, separate, and continuous period of time. For example, a transfer from a position in the United States to a foreign posting during the year would generally establish two separate time periods. However, a foreign posting that requires short-term returns to the United States to perform services for the employer would not be sufficient to establish a distinct, separate, and continuous time period within the foreign posting time period. Short-term returns to the United States during the separate time period of the foreign posting would be relevant to the apportionment of compensation relating to such time period.

(3) *Examples*. The following examples illustrate the application of this paragraph (b):

Example 1. Corp X, a United States corporation, receives compensation of $15,000 under a contract for services to be performed concurrently in the United States and in several foreign countries at differing rates of compensation by numerous Corp X employees during the taxable year. The employees performing services under this contract perform their services exclusively in one jurisdiction and do not work both within and without the United States during the taxable year. The payroll costs for employees performing services in the United States associated with these contract services is $2,000 out of a total contract payroll cost of $3,000. Since the employees add relatively different amounts of value to the product, a time basis test is not the best test under the facts and circumstances of this particular case. An apportionment of the income received under the contract based upon relative payroll costs would be the basis that most correctly reflects the proper source of the income. Thus, $10,000 of the compensation received under this contract will be compensation for labor or personal services performed in the United States ($15,000 × $2,000/$3,000).

Example 2. Corp X, a United States corporation, receives compensation of $15,000 under a contract for services. Corp X

is able to perform the services necessary to fulfill its obligation under the contract by assigning only three of its employees, each with the same rate of compensation, to render services both within and without the United States during the taxable year. Since the rate of compensation is the same, it can be assumed that all employees are adding the same value to the product. The total number of employee-days necessary to complete the contract is 30 days of which 10 days were spent performing services within the United States. Under these facts and circumstances, an apportionment on a time basis would be the basis that most correctly reflects the proper source of the income. The amount of compensation for labor or personal services performed in the United States will be that amount that bears the same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made. Thus, $5,000 will be compensation from labor or personal services performed in the United States ($15,000 × 10/30).

Example 3. B, a nonresident alien individual, was employed by M, a domestic corporation, from March 1 to June 12 of the taxable year, a total of 104 days, for which B received compensation in the amount of $12,240. Under the contract, B was subject to call at all times by M and was in a payment status on a 7-day week basis. Pursuant to the contract, B performed services within the United States for 59 days and performed services without the United States for 45 days. Under subparagraph (b)(2) of this section, the amount of compensation from labor or personal services performed in the United States will be determined on a time basis and equal to $6,943.85 ($12,240 × 59/104).

Example 4. (i) A, a United States citizen, is employed by a domestic corporation. A earns an annual salary of $100,000. During the first quarter of the calendar year, A's post of duty is in the United States and A performs services entirely within the United States during this period. A is transferred to Country X for the remaining three-quarters of the year, and, in addition to A's annual salary, receives $75,000 in fringe benefits that relate to the foreign posting. These fringe benefits are paid separately from A's annual salary and are specifically stated to be a housing allowance and an allowance for family home leave. Under A's employment contract, A is required to work on a 5-day week basis, Monday through Friday. During the last three quarters of the year, A performs services 30 days in the United States and 150 days abroad.

(ii) A has $175,000 gross income for the taxable year from the performance of services. A is able to clearly establish that A's transfer created two distinct, separate, and continuous time periods within the calendar year. Accordingly, $25,000 of the income designated as salary is attributable to the first quarter of the year (one quarter of $100,000). This amount is allocated entirely to compensation for labor or personal services performed in the United States. The balance of A's adjusted gross income, $150,000 (which includes the $75,000 in fringe benefits that relate to the foreign posting), is compensation allocated to services performed for the final three quarters of his taxable year. During the last three quarters of the year, A's periodic performance of services in the United States does not constitute distinct, separate, and continuous periods of time. Of this $150,000 amount, $125,000 (150/180 × $150,000) is apportioned to compensation for labor or personal services performed outside the United States, and $25,000 (30/180 × $150,000) is apportioned to compensation for labor or personal services performed in the United States.

* * * * *

(d) *Effective date.* Paragraphs (a) and (c) of this section apply with respect to taxable years beginning after December 31, 1966, however, the first sentence of paragraph (a)(1) applies to taxable years beginning on or after final regulations are published in the **Federal Register**. Paragraph (b) of this section applies to taxable years beginning on or after final regulations are published in the **Federal Register**. For paragraph (b) of this section and corresponding rules applicable to taxable years beginning after December 31, 1966, and before the date final regulations are published in the **Federal Register**, see § 1.861–4(b) in effect prior to the date final regulations are published in the **Federal Register** (26 CFR part 1 revised April 1, 1999). For corresponding rules applicable to taxable years beginning before January 1, 1967, see § 1.861–4 in effect prior to October 2, 1975 (26 CFR part 1 revised April 1, 1975).

Robert E. Wenzel,

Deputy Commissioner of Internal Revenue.

[FR Doc. 00–757 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 201

[Docket No. 2000–1]

Copyright Rules and Regulations: Information Given by the Copyright Office

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Copyright Office is proposing amendments to its regulations governing information given to the public for litigation purposes in cases where the application for registration is still in-process. The Office is also proposing to publish in regulatory text the existing requirement for submission of a Litigation Statement when a third party needs copies of material accompanying a registration claim for use in actual or pending litigation and other minor clarifications to these regulations. These proposed amendments will allow a qualified party greater access to in-process registration materials and also provide clearer information to the public on how to get these materials.

DATES: Written comments are due March 21, 2000.

ADDRESSES: An original and ten copies of the comments should be addressed, if sent by mail, to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. If delivered by hand, an original and ten copies should be delivered to: Office of the General Counsel, United States Copyright Office, James Madison Memorial Building, Room 403, First Street and Independence Avenue, S.E., Washington, DC.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Patricia L. Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Fax: (202) 707–8366.

SUPPLEMENTARY INFORMATION:

1. Background

The Copyright Act makes the Register of Copyrights responsible for all administrative functions and duties under title 17 and authorizes the Register to establish regulations for this administration. 17 U.S.C. 701, 702. As an Office of public record, the Copyright Office provides a public record of completed registrations and recordations, and it permits access to these records and to the materials or files accompanying a registration claim—the application, the deposit, and any correspondence—when the conditions specified in the regulations are met. *See* 17 U.S.C. 705, 706. *See also* 37 CFR 201.2.

The Copyright Office's existing regulations tell the public how to get information on or access to such registration materials. 37 CFR 202.1, 202.2. In the past, the regulations have distinguished between providing these materials to copyright claimants and providing them to third parties, and also between providing copies in cases where the claim has been examined and registered or refused and in those where the claim is still pending or in-process. By in-process the Office means those materials, including correspondence files, applications, and deposit copies,

associated with claims to registration that are still being processed and those for which the process has been reopened.

The Copyright Office already permits limited access to in-process files. See 37 CFR 201.2(b)(2)–(5), 201.2(c)(1)–(2). However, the Office no longer sees a reason to distinguish between a request for material from an in-process file and material from a closed file when a qualified party needs this material for litigation purposes. The Office, therefore, proposes amending its regulations to permit the making of copies of material accompanying in-process claims—including the deposit—in the same circumstances relating to litigation as those in which copies may be made from a closed file. See 37 CFR 201.2(d)(2)(ii).

Information needed to initiate a search.[1] A party requesting a search for any material accompanying a registration claim in order to get information, inspect, or get copies of such material must provide as much specific information as possible about the material desired, including facts such as the name(s) of the copyright claimant(s) of record (or his or her designated agent), the title(s) of the work(s) to be located and copied; and the date(s) the work(s) was submitted for registration. See 37 CFR 201.2(b)(3)(i).

Access to contents of works. Currently, the Office outlines procedures for gaining access to registration records or materials in 37 CFR 201.2(b). Often a request for access to these materials is associated with legal proceedings. In particular, § 201.2(b)(5) permits access to in-process files by someone other than the copyright claimant in extraordinary circumstances; in practice the circumstances under which this relief has been granted are equivalent to actual or prospective litigation. The Office proposes amending this subsection to allow the making of copies of such material available in cases identical to those already set out in 37 CFR 201.2(d) for closed files wherein a qualified party may request certified or uncertified reproductions of copies, phonorecords, or other identifying material deposited in connection with registration of a work. Section 201.2(d)(1) specifies what information should be included in the request to get copies of records. Section 201.2(d)(2) specifies three conditions in which copies may be made of registration materials. They are: (1) at the written request of the claimant, or his or her designated agent, or from an owner of exclusive rights; (2) at the written request of an attorney for litigation purposes; and (3) upon receipt of a court order. The proposed regulations would permit access to and copying of in-process files under the same circumstances found in 201.2(d)(2) and (3).[2] In the second situation the attorney or authorized representative must file a Litigation Statement with the Copyright Office.

2. Use of the Litigation Statement

The proposed amendment requires use of a Litigation Statement for requesting in-process materials to be used in litigation. The Office has recommended the use of a Litigation Statement for completed files for a long time. In 1991, it announced that in order to obtain copies of material deposited with the Office in support of a registration claim, an attorney or authorized agent had to submit a Litigation Statement. 56 FR 12957 (March 29, 1991). A party that provides a false statement of a material fact in a Litigation Statement is subject to criminal penalties under the terms of 18 U.S.C. 1001. Currently, the Litigation Statement requires that the materials sought be identified by registration number, year of registration, and title and description of the work. The Litigation Statement also requires a description of the active or prospective litigation for which the material is to be used, including:

1. Name and address of client (or person requesting the material).
2. Whether the client is or may become Plaintiff or Defendant in litigation.
3. Name of the other party.
4. Nature of the controversy.
5. Name of court if proceedings have been instituted.

If the litigation is prospective, the Litigation Statement requires a statement of the facts surrounding the controversy and a copy of any letter or other document that supports the claim that litigation may be instituted.

Just above the signature line, the following statement appears: ''I hereby affirm to the Copyright Office that a controversy exists and that the requested copy will be used only in connection with the specified actual or prospective litigation. I also acknowledge that any other use of this copy would be in violation of the Regulations of the Copyright Office 37 CFR 201.2(d)(2).''

The Litigation Statement also includes a warning that any false statement of a material fact made on the form may be a criminal offense, with a reference to 18 U.S.C. 1001 *et seq.* The texts of 18 U.S.C. 1001 and 37 CFR 201.2(d)(2) are reproduced on the back of the Litigation Statement.

A Litigation Statement may be requested from the Certification and Documents Section of the Information and Reference Division. The Office keeps a record of requests for copies of registration materials made using the Litigation Statement for at least three years, and this system of records is available to the public through the Certification and Documents Section.

When the Office adopts final rules concerning access to and copying of in-process materials, it will make minor amendments to the existing Litigation Statement to conform with those regulations. For example, it will change Registration No. to Registration No. or Control No. if an application is pending, and broaden the term ''Copyright Registration'' to cover both completed registrations and applications for copyright registration that are still pending.

3. Other Amendments

The Office is also proposing minor amendments to 37 CFR 201.1(c) and (d) and 201.2(b)(6), (b)(7) and (c)(4) to update official addresses and to clarify what kind of information the Office can or cannot supply.

4. Questions for Public Comment

The Copyright Office requests public comment on any aspect of these regulations but especially the following:

1. Should a party who needs copies of material for use in pending or actual litigation be permitted to get copies of in-process materials in the same way that he or she can if the work had been registered or the file closed? Why or why not?

2. Should additional information or documentation be required from those who file a Litigation Statement? For example, to verify that a party requesting information is truly involved in actual or prospective litigation, should the party be required to submit a copy of a document (e.g. the complaint or, in the case of prospective litigation, correspondence to or from an alleged infringer) that describes what the dispute over a copyrighted work entails?

3. If litigation is prospective rather than actual, should the Office contact the copyright owner or any other party to verify the likelihood of litigation?

[1] See generally Circular 6. For information on searching the Office's records to investigate the copyright status of a work see Circular 22.

[2] Copyright Office regulations already permit copies of in-process files in the first situation.

List of Subjects in 37 CFR Part 201

Copyright.

In consideration of the foregoing, it is proposed that part 201 of 37 CFR be amended as follows:

PART 201—GENERAL PROVISIONS

1. The authority citation for part 201 continues to read as follows:

Authority: 17 U.S.C. 702.

2. Sections 201.1(c) and (d) are revised to read as follows:

§ 201.1 Communications with the Copyright Office.

* * * * *

(c) *Copies of records or deposits.* Requests for copies of records or deposits should be addressed to the Library of Congress, Copyright Office, Certifications and Documents Section, LM–402, 101 Independence Avenue, S.E., Washington, D.C. 20559–6000.

(d) *Search of records.* Requests for searches of registrations and recordations in the completed catalogs, indexes, and other records of the Copyright Office should be addressed to the Library of Congress, Copyright Office, Reference & Bibliography Section, LM–451, 101 Independence Avenue, S.E., Washington, D.C. 20559–6000.

3. Section 201.2 is amended as follows:

a. By revising paragraphs (b)(5) and (b)(6);

b. By removing the last sentence of paragraph (b)(7) and adding two sentences in its place;

c. By revising paragraph (c)(4);

d. In paragraph (d)(2) introductory text, by adding the phrase ''or an application for copyright registration'' after the phrase ''in connection with a copyright registration''; and

e. By revising paragraph (d)(2)(ii) introductory text.

The revisions to § 201.2 read as follows:

§ 201.2 Information given by the Copyright Office.

* * * * *

(b) * * *

(5) In exceptional circumstances the Register of Copyrights may allow inspection or even copying of pending applications and open correspondence files by someone other than the copyright claimant, upon submission of a written request which is deemed by the Register to show good cause for such access and establishes the person making the request is one properly and directly concerned. Any request for such access or copying of this material should be directed to the Certifications and Documents Section which will either refer the requestor to the General Counsel, or if litigation is involved, send the requestor the Copyright Office's form known as a Litigation Statement. If a Litigation Statement is required, it must be submitted on the Office's form, comply with § 201.2(d)(2)(ii), contain an original signature, and be returned to the Certifications and Documents Section at the address given in 37 CFR 201.1(c).

(6) Direct public access will not be permitted to any financial or accounting records, including records maintained on Deposit Accounts.

(7) * * * As the Office updates and revises certain chapters of Compendium II, it will make the information available on the Copyright Office's web site. This information is also available for public inspection and copying in the Certifications & Documents Section.

(c) * * *

(4) The Copyright Office will not respond to any abusive or scurrilous correspondence or correspondence where the intent is unknown.

(d) * * *

(2) * * *

(ii) The Copyright Office receives and approves on a form requested from the Certification and Documents Section, a Litigation Statement containing a request from an attorney on behalf of either a plaintiff or defendant in connection with litigation, actual or prospective, involving a registered work or a work on which registration is sought. The following information must be included in such a request:

* * * * *

Dated: January 13, 2000.

Marybeth Peters,

Register of Copyrights.

[FR Doc. 00–1293 Filed 1–20–00; 8:45 am]

BILLING CODE 1410–30–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–2563; MM Docket No. 99–330; RM–9677]

Radio Broadcasting Services; Kankakee and Park Forest, IL

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Gene Milner Broadcasting Company, Inc., proposing the reallotment of Channel 260B from Kankakee to Park Forest, Illinois, as the community's first local aural transmission service. Channel 260B can be reallotted to Park Forest in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's licensed site. The coordinates for Channel 260B at Park Forest are 41–18–04 North Latitude and 87–49–35 West Longitude.

DATES: Comments must be filed on or before February 7, 2000, and reply comments on or before February 22, 2000.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Dennis J. Kelly, Esq., Post Office Box 6648, Annapolis, Maryland 21401 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–330, adopted December 8, 1999, and released December 15, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY-A257), 445 12th Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–1470 Filed 1–20–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 99–2825; MM Docket No. 99–361; RM–9777]

Radio Broadcasting Services; Plainville and Larned, KS

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Radio, Inc., licensee of Station KFIX(FM), Channel 245C2, Plainville, Kansas, seeking the substitution of Channel 245C1 for Channel 245C2 at Plainville, and modification of the license for Station KFIX(FM) accordingly. Additionally, to accommodate the proposed allotment of Channel 245C1 at Plainville, the Commission also proposes the substitution of Channel 255A for Channel 244A at Larned, Kansas, as requested, and modification of the license for Station KGTR(FM) to specify operation on the alternate Class A channel. Channel 245C1 can be allotted to Plainville in accordance with the minimum distance separation requirements of § 73.207(b) of the Commission's Rules at the licensed site of Station KFIX(FM) at coordinates 39–01–15 NL and 99–28–12 WL. Channel 255A can be allotted to Larned at the licensed site of Station KGTR(FM) at coordinates 38–09–54 NL and 99–06–05 WL.

DATES: Comments must be filed on or before February 7, 2000, and reply comments on or before February 22, 2000.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Susan A. Marshall and Andrew S. Kersting, Esqs., Fletcher, Heald & Hildreth, P.L.C., 1300 North Seventeenth Street, 11th Floor, Arlington, VA 22209.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99–361, adopted December 8, 1999, and released December 17, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 00–1471 Filed 1–20–00; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 65, No. 14
Friday, January 21, 2000

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

Commodity Credit Corporation

Installation and Improvement of Grain Cleaning Equipment

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Notice of public hearing and extension of comment period.

SUMMARY: On November 29, 1999, the Commodity Credit Corporation (CCC) published a Notice (64 FR 66606) soliciting public comment on the merits of whether the CCC should finance, in some manner, the installation or upgrading of grain cleaning systems at wheat export elevators in the United States. This Notice announces that CCC will conduct a public hearing regarding this proposal and extend the time period for public comments.

DATES: *Public Hearing:* The Foreign Agricultural Service (FAS), United States Department of Agriculture (USDA), will hold a public hearing to solicit comments on a proposal to finance cleaning systems at wheat elevators in the United States. This hearing will take place on January 28, 2000, beginning at 10 a.m. in the Jefferson Auditorium, USDA South Building, 1400 Independence Ave., SW., Washington, DC. Handicap facilities, including sign language, will be available at the hearing. FAS will prepare a transcript of the hearing.

Those who wish to be assured the opportunity to provide a statement at the hearing must register no later than Wednesday, January 26, 2000.

Comment Date Extension: The date for receipt of written comments on the Notice published at 64 FR 66606 is extended to February 4, 2000. Comments must be received on or before that date to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: Please direct written correspondence to: Timothy J. Galvin, Administrator, Foreign Agricultural Service, Room 5071, 1400 Independence Ave., SW., Washington, DC 20250. Telephone, fax or e-mail correspondence may be directed to: Sam Dunlap, Assistant to the Administrator, Foreign Agricultural Service, Phone: (202) 720–1743, Fax: (202) 690–0493, e-mail: *dunlaps@fas.usda.gov.*

Signed at Washington, DC on January 13, 2000.

Timothy J. Galvin,

Administrator, Foreign Agricultural Service, Vice President, Commodity Credit Corporation.

[FR Doc. 00–1490 Filed 1–20–00; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Farm Service Agency

National Drought Policy Commission

AGENCY: Farm Service Agency, USDA.

ACTION: Notice of Commission public hearing.

SUMMARY: The National Drought Policy Commission (Commission) shall conduct a thorough study and submit a report to the President and Congress on national drought policy. This notice announces a public hearing to be held on February 3, 2000, in Atlanta, Georgia, and seeks comments on issues that the Commission should address and recommendations that the Commission should consider as part of its report. The hearing is open to the public.

DATES: The Commission will conduct a public hearing on February 3, 2000, from 9:00 a.m. to 5:00 p.m. (Eastern Standard Time) at Georgia State University Student Center, Speaker's Auditorium, 44 Courtland Street, Atlanta, Georgia.

Anyone wishing to make an oral presentation to the Commission at the public hearing, must contact the Executive Director, Leona Dittus, in writing (by letter, fax or internet) no later than COB, January 27, 2000, in order to be included on the agenda. Presenters will be approved on a first-come, first-served basis. The request should identify the name and affiliation of the individual who will make the presentation and an outline of the issues to be addressed. Thirty-five copies of any written presentation material shall be given to the Executive Director by all presenters no later than the time of the presentation for distribution to the Commission and the interested public. Those wishing to testify, but who are unable to notify the Commission office by January 27, 2000, will be able to sign up as a presenter the day of the hearing (February 3, 2000) between 8:00 a.m. and 1:00 p.m. (Eastern Standard Time). These presenters will testify on a first-come, first-served basis and comments will be limited based on the time available and the number of presenters. Written statements will be accepted at the meeting, or may be mailed or faxed to the Commission office.

Persons with disabilities who require accommodations to attend or participate in this meeting should contact Leona Dittus, on 202–720–3168, or Federal Relay Service at 1–800–877–8339, and leona.dittus@usda.gov, by COB January 27, 2000.

Comments: The public is invited to respond and/or to submit additional comments, concerns, and issues for consideration by the Commission.

ADDRESSES: Comments and statements should be sent to Leona Dittus, Executive Director, National Drought Policy Commission, U.S. Department of Agriculture, 1400 Independence Avenue, SW, Room 6701–S, STOP 0501, Washington, D.C. 20250–0501.

FOR FURTHER INFORMATION CONTACT: Leona Dittus (202) 720–3168; FAX (202) 720–9688; Internet: leona.dittus@usda.gov.

SUPPLEMENTARY INFORMATION: The purpose of the Commission is to provide advice and recommendations to the President and Congress on the creation of an integrated, coordinated Federal policy, designed to prepare for and respond to serious drought emergencies. Tasks for the Commission include developing recommendations that will (a) better integrate Federal laws and programs with ongoing State, local, and tribal programs, (b) improve public awareness of the need for drought mitigation, prevention, and response and (c) determine whether all Federal drought preparation and response programs should be consolidated under one existing Federal agency, and, if so, identify the agency.

Below is a draft vision statement and set of principles to guide the Commission. Draft Vision Statement: Our vision is of a well-informed,

involved U.S. citizenry and its governments prepared for and capable of lessening the impacts of drought—consistently and timely—in the new millennium.

This vision is based on the following principles:

Consideration of all affected entities and related issues, including legal, economic, geographic, climate, religious, and cultural differences; fairness and equity; and environmental concerns;

Comprehensive, long-term strategies that emphasize drought planning and measures to reduce the impacts of drought;

Federal role focused on appropriate coordination, technical assistance, education, and incentives while at all times respecting the rights and responsibilities of Federal, State, and local governments, and tribal sovereignty;

Self-reliance and self-determination;

Lessons learned from past drought experiences;

Shared drought-related expertise and knowledge across international borders.

In addition to your own views and thoughts regarding a national drought policy, as you review the draft vision and guiding principles, the Commission would be interested in your thoughts regarding the following questions:

1. What is the best means for informing the public of Federal assistance for drought planning and mitigation?

2. What type of information do you need for responding to the drought?

3. What needs do you or your organization presently have with respect to addressing drought conditions?

4. What do you see as the Federal role with respect to drought preparedness? Drought response? Should Federal emergency assistance be contingent on advance preparedness?

5. Are there any ways you feel that the Federal Government could better coordinate with State, regional, tribal, and local governments in mitigating or responding to droughts?

6. What lessons have you or your organization learned from past drought experiences that would be beneficial in the creation of a national drought policy?

Signed at Washington, D.C., on January 18, 2000.

Keith Kelly,

Administrator, Farm Service Agency.

[FR Doc. 00–1633 Filed 1–19–00; 2:27 pm]

BILLING CODE 3410–05–P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

RIN 0584–AC89

National School Lunch Program: Pilot Projects, Alternatives to Free and Reduced Price Application Requirements and Verification Procedures

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: This notice announces pilot projects which would permit selected school food authorities and State agencies to test alternatives to the application procedures and verification process for households participating in the National School Lunch Program. This notice responds to recent data comparisons which suggest that the existing application procedures and verification process do not effectively deter misreporting of eligibility information. The results of these tests will be used in considering revisions to the current application procedures and verification process to reduce the misreporting of eligibility information.

DATES: Applications to conduct a pilot project must be postmarked no later than March 21, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Matthew Sinn by telephone at (703) 305–2017 to request an application packet or in writing to: Matthew Sinn, Office of Analysis Nutrition and Evaluation, Room 503, 3101 Park Center Drive, Alexandria, Virginia 22302; or electronically at, matthew.sinn@fns.usda.gov.

SUPPLEMENTARY INFORMATION:

Is There Additional Information on the Internet?

You can get copies of the complete text of 7 CFR part 210, which covers the NSLP, and 7 CFR part 245, which includes the current application and verification requirements, from the FNS Web site at http://www.fns.usda.gov/cnd. Access the National School Lunch Program, then Regulations and Policy to find a link to the federal regulations for application and verification requirements.

What are the Current Free and Reduced Price Meal Application Procedures?

Under the National School Lunch Program (NSLP), each school year, school food authorities distribute free and reduced price meal applications to households of enrolled children. Households complete the information required on the application and return it to the school food authority. School food authority officials then determine whether the household is either *categorically eligible* or *income eligible* for benefits based on the NSLP's Income Eligibility Guidelines. The information required to determine *categorical eligibility* are the name of the child, the appropriate food stamp case number, Temporary Assistance for Needy Families (TANF) case number or an equivalent identifier used for the Food Distribution Program on Indian Reservations (FDPIR), and the signature of an adult household member. The information required to determine *income eligibility* are the names of all household members including the child for whom application is made; the social security number of the adult who signs the application or an indication that the household member does not have a social security number; the current amount of income received by each household member identified by the individual who receives it; and the source of the income, such as wages, welfare, alimony, and the signature of an adult household member.

As an option to using the above application procedures to establish a child's eligibility, school food authorities have been allowed since 1991 to directly certify children for free meal benefits. School food authorities may certify children eligible for free meal benefits, without further application, by directly communicating with the appropriate State or local agency to obtain documentation that the children are members of food stamp households or members of households certified eligible for TANF or FDPIR. This certification process is referred to as ''direct certification.''

What are the Current Verification Process Requirements?

School food authorities must verify the eligibility information on a sample of the free and reduced price applications submitted in any given school year as required in 7 CFR 245.6a. Generally, school food authorities verify a minimum of 3% of the applications which have been approved for free and reduced price meal benefits. Alternatively, a school food authority may verify a smaller sample by focusing on households whose income is within $100 of the annual income eligibility guidelines and selecting a portion of their applications originally approved based on categorical eligibility through participation in the Food Stamp Program, TANF or FDPIR. Households that were directly certified are not required to be verified.

Why are Changes to the Application Procedures and Verification Process Being Considered?

Over the years, the administering State agencies have conducted comprehensive on-site evaluations of school food authorities participating in the NSLP. The findings indicate that school food authorities have been determining free and reduced price eligibility in accordance with the regulatory requirements. In spite of their efforts, the number of children approved to receive free meals appears to exceed the number of children who are eligible for free meals. The Food and Nutrition Service (hereinafter ''we'', ''us'' or ''our'') is attempting to address this disparity.

Recent comparisons of NSLP data with data from the U.S. Bureau of the Census, Current Population Survey (CPS), suggest that the number of children determined eligible for free meals in the NSLP exceeds the number of children that the CPS data identifies as potentially eligible. In fact, in 1997, the number of children approved for free school meals, according to our data, was substantially higher than the number of school-aged children at or below 130 percent of the poverty guidelines (the free meal eligibility guideline), according to CPS data.

This data comparison is consistent with audit survey work by the U.S. Department of Agriculture's (USDA) Office of Inspector General (OIG). The OIG determined that in one state nearly 20% of the households approved for free or reduced price meals were determined to be ineligible as a result of subsequent verification conducted by school food authorities (Food and Nutrition Service National School Lunch Program Verification of Applications in Illinois: Audit Report No. 27010–0011–Ch). In that survey work, OIG reviewed the verification process in 102 school food authorities. Forty one school food authorities reported no changes in household eligibility due to verification. However, in 61 of the 102 school food authorities, the verification process resulted in a termination/reduction rate of 19.05%. The CPS data, the audit survey findings, and other program oversight activity suggest that a substantial number of households misreport eligibility information in order to gain eligibility to free and reduced price meal benefits in the NSLP.

The reasons for misreporting eligibility information may be more complicated than a desire to simply wrongfully secure free and reduced price meal benefits in the NSLP. A number of local, State and Federal programs use free and reduced price approval as a criterion for other benefits. As a result, households may have an added incentive to gain approval for meal benefits in order to obtain other benefits such as free textbooks, reduced athletic or band fees and other related services.

In addition, other State and Federal program funds are often linked to the free and reduced price meal data. For example, a State may distribute all or a portion of its allotment of Federal education funding to schools in proportion to the enrollment of students eligible for free or reduced price meal benefits. These links, in which the number of students eligible for free and reduced price benefits cause a school's funding to increase, may discourage school food authorities from veryifying more applications than the minimum required by current regulations.

What are the Objectives of the Pilot Projects?

We considered universally increasing the number of applications to be verified by school food authorities as an obvious measure that would likely decrease misreporting of eligibility information. However, we recognize that such an approach may only provide a limited ameliorative effect. Therefore, we decided to test other approaches. The objectives of the pilot projects are to:

1. Explore methods of deterRing misreporting of eligibility information before the application is approved;
2. Explore methods of better detecting the misreporting of eligibility information after the application has been approved; and,
3. Evaluate the cost effectiveness of several methods before changing the regulations in order to help ensure that any future regulatory actions effectively deter and/or detect the misreporting of eligibility information.

What Criteria Will be Used to Select the Pilot Sites?

Applications to participate in the pilot project must meet the following criteria and conditions, regardless of whether they propose to test one of the alternatives we have designed or propose to design and test their own alternative:

1. Proposals must not include a significant barrier to program eligibility for households that would otherwise be eligible for benefits.
2. Proposals must have some transferability, but universal transferability is not required. For example, a large school food authority may design a system that is cost effective, due to economies of scale, for other larger school food authorities but may be cost prohibitive in smaller school food authorities.
3. Proposals must ensure that children eligible for free and reduced price meals are not overtly identified (42 U.S.C. 1758(b)(4)).
4. Proposals must ensure that when households meet the NSLP eligibility criteria and requirement(s) of the alternative, they are promptly notified and the children receive the benefits to which they are entitled. Unless a shorter timeframe is stipulated by the administering State agency, eligibility determinations should be made within 10 working days of receipt of the eligibility information.

Are There Limits to What can be Tested Through the Pilot Projects?

Section 12(l) of the Richard B. Russell National School Lunch Act (NSLA) 42 U.S.C. 1760(l) allows us to grant waivers for many requirements under the NSLA or the Child Nutrition Act of 1966 or regulations issued under either Act. However, under this waiver authority, we may not grant a waiver that increases Federal costs or that relates to: (a) the nutritional content of meals served; (b) Federal reimbursement rates; (c) the provision of free and reduced price meals; (d) limits on the price charged for a reduced price meal; (e) maintenance of effort; (f) equitable participation of children in private schools; (g) distribution of funds to State and local school food authorities and service institutions participating in a program under the NSLA and the Child Nutrition Act of 1966; (h) the disclosure of information relating to students receiving free or reduced price meals and other recipients of benefits; (i) prohibiting the operation of a profit producing program; (j) the sale of competitive foods; (k) the commodity distribution program under section 14 of the NSLA, 42 U.S.C. 1762a; (l) the special supplemental nutrition program authorized under section 17 of the Child Nutrition Act of 1966, 42 U.S.C. 1786; or (m) enforcement of any constitutional or statutory right of an individual including title VI of the Civil Rights Act of 1964, section 504 of the Rehabilitation Act of 1973, title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990 and the Individuals with Disabilities Education Act. Therefore, we will reject applications that request statutory or regulatory waivers that are not authorized. In addition, we will reject

applications that are inconsistent with the objectives of these pilot projects.

How Long Will the Pilot Project Last?

Pilot sites must conduct an alternative application procedure or verification process for 3 consecutive school years, beginning in school year 2000–2001.

Who May Apply for a Pilot Project?

School food authorities may apply to test one of the alternatives we have developed (explained later in this notice) or an approvable alternative they have developed to improve the integrity of the application procedures or verification process under the NSLP. School food authorities may be asked to identify a second alternative they would be willing to test in the event that their first choice is not available. In addition, State agencies may apply to test one of the alternatives we have developed or an alternative they have developed to improve the integrity of the application procedures or verification process under the NSLP.

Do School Food Authorities Need State Agency Approval?

School food authorities applying to test an alternative must obtain the approval of their administering State agency as part of the application process. All applications must be submitted to us by the administering State agency. Applications must be postmarked no later than March 21, 2000.

How Many Pilot Sites Will Be Selected?

We would like to test the 4 alternatives we have designed, with at least two pilot sites testing each alternative. As a result, we envision a minimum of 8 pilot sites for this purpose. Given cost limitations, no more than 10–12 pilot sites will be selected, which will allow for school food authority designed alternatives.

How Many Alternatives May a School Food Authority Test?

In any school food authority, only one alternative may be tested. School food authorities may apply to test one of the alternatives we have designed or apply to test their own alternative. School food authorities do not have to apply to test an alternative in all schools under their jurisdiction, however for applicants that are not single-site school food authorities, we would like the alternative to be tested in more than one school.

How Will the Effectiveness of Alternative Procedures Be Evaluated?

We designed the alternatives to prevent incorrect receipt of meal benefits either by deterring households from misreporting eligibility information on their application (deterrence measures) or identifying misreporting after it occurs through the verification process (detection measures). Throughout the pilot projects, we will be collecting data to evaluate how well the alternatives deter or detect the misreporting of eligibility information, how much burden the alternatives place on the pilot sites and the cost effectiveness of the alternatives.

What Are the USDA Designed Alternate Procedures Pilot Sites May Apply to Use?

We have identified several possible approaches to deterring and detecting the misreporting of eligibility information in the NSLP. The approaches outlined in this notice are partially based on findings and recommendations from the OIG and other Program assessments by USDA. We have designed four alternatives that we would like to test and have allowed for additional alternatives. The first two alternatives test changes to the application process, the third alternative tests changes to the verification process. The fourth alternatives tests changes to both the application procedures and the verification process. In recognition that interested school food authorities and State agencies may have alternative approaches to the existing application procedures or verification process that would reduce misreporting, we will accept applications for school food authority or State agency designed alternatives. Such proposals must meet the criteria used to select pilot sites, discussed previously, as well as those under ''Alternative 5—School food authority/State agency alternative.'' The chart below summarizes the alternatives followed by a detailed description of each alternative:

	Alternative 1 households confirm eligibility at the time of application	Alternative 2 third party school meal benefit determination and confirmation system	Alternative 3 verify direct certification	Alternative 4 graduated increase in verification sample size	Alternative 5 school food authority/ state agency alternative
Application Related Changes	Pilot site requires all applicant household to attach to their free and reduced price applications, confirmation of the income or categorical information or acceptable collateral contact information.	Pilot site contracts with a third party to establish a benefit determination and eligibility confirmation system. The system would require confirmation of the income or categorical eligibility information listed on the application for all applicant households.	No changes to application or direct certification procedures.	No changes to application or direct certification procedures during first year. During second and third year, all households with benefits terminated or reduced the prior year due to verification must provide confirmation of eligibility to the school food authority at the time of application.	School food authorities/State agencies may apply to conduct the following: (a) Apply to pilot test a modification of one of the alternatives, 1–4; or (b) Design the procedures and apply to test a comprehensive benefit determination system that covers Federal and State assistance programs, not simply the Child Nutrition Programs; or, (c) Design the procedures and apply to test a proposal to deter and/or detect misreporting of eligibility of information.
Verification Related Changes	Verification requirements of § 245.6a are waived.	Verification requirements of § 245.6a are waived.	Pilot site with a significant number of students approved through direct certification conducts verification on all directly certified households by December 15. Verification requirements for applications are unchanged.	Pilot site contracts with third party to verify 3% of the applications. If 25% or more of verified applications had benefits terminated or reduced, the third party randomly selects an additional 50% of remaining applications and verifies them. If the target amount is reached again, the third party verifies the remainder of the applications.	

Alternative 1—Households Confirm Eligibility at the Time of Application

The first alternative would require all households who submit a free and reduced price meal application to provide documents or an acceptable collateral contact which confirm the income or categorical eligibility information listed on their application. No changes would be made for households that were directly certified. This alternative would operate as follows:

1. At the beginning of the school year, the pilot site would notify households that in order to be determined eligible for free or reduced price meal benefits, their free and reduced price meal application must be accompanied by documentation that confirms income or categorical eligibility information listed on their application (*e.g.,* pay stubs, letter from welfare office) or collateral contact information that allows for confirmation of eligibility. Pilot sites must include information about this requirement in any public notification, including the application materials that are sent to each household.

2. Children from households that fail to provide documents which confirm the income or categorical eligibility information listed on their application or fail to provide an acceptable collateral contact would not be approved for meal benefits.

3. Supporting documents (*e.g.,* pay stubs, letters from employer, letter from welfare office) must reflect the income or categorical eligibility information current as of the time the application is submitted. In the case of households applying based on categorical eligibility, the supporting documents must confirm ''current'' eligibility for food stamps, TANF, or the FDPIR programs. For the purposes of this alternative, ''current'' eligibility means that the household is certified as eligible for food stamps, TANF or FDPIR at the time the household submits an application for

free and reduced price meal benefits. Households that cannot supply written confirmation must supply a collateral contact from which the pilot site may confirm the eligibility information either orally or in writing.

4. If the pilot site also conducts direct certification to establish eligibility, no changes would be made to the direct certification process.

5. Verification requirements would be waived since the confirmation of eligibility occurs at the time of application.

Alternative 2—Third Party School Meal Benefit Determination and Confirmation System

The second alternative would permit pilot sites to contract with a third party to establish a benefit determination and confirmation system. The system would use the current application and/or direct certification procedures and must provide for confirmation of eligibility through methods available to the third party. The third party may be a public entity or private company that has access to information allowing determination or confirmation of eligibility for meal benefits. For example, the local food stamp office could be contracted with to determine eligibility of households. Likewise, a private company may specialize in conducting wage matching and a pilot site could retain the company to determine eligibility of households and use the company's wage matching process to confirm eligibility at the time of application. Entities contracting with pilot sites to determine eligibility for meal benefits or confirmation of eligibility for meal benefits will be required to assure that information obtained from program participants is maintained in compliance with the confidentiality provisions of Section 9(b)(2)(C)(iii) of the NSLA (42 U.S.C. 1758(b)(2)(C)(iii).

This benefit determination and confirmation system would, at a minimum, require confirmation of the income or categorical eligibility information listed on the application. Confirmation would be established through wage matching, by asking households to provide supporting documents, through collateral contacts or by other means available to the third party. Prospective pilot sites should be aware that applications for this alternative will only be accepted when the third party provides specialized service related to determining and confirming benefits. Therefore, applications will not be accepted for pilot projects proposing to employ a food service management company for the benefit determination and confirmation system. This alternative would operate as follows:

1. At the beginning of the school year, the pilot site or third party would notify households that in order to be determined eligible for free or reduced price meal benefits, the income and categorical eligibility information listed on their free and reduced price meal application must be confirmed at the time of application. Confirmation may be through wage matching, submission of supporting documents or through other means. Pilot sites may require additional information from the household, such as social security numbers, in order to accomplish confirmation of eligibility. Pilot sites must advise households of the procedures and include any notices required by statute (*e.g.,* Privacy Act).

2. Households that do not have their eligibility determined through the third party's process must be allowed to provide documentation or collateral contact information that confirms eligibility. For example, a household that does not appear in a wage match database must be allowed to provide documentation or collateral contact information to confirm eligibility.

3. Children from households that fail to provide documents or collateral contact information which confirms the income or categorical eligibility information listed on their application or that fail to have their eligibility confirmed by the third party would not be approved for free and reduced price meal benefits.

4. Supporting documents (e.g., pay stubs, letter from employer, letter from welfare office) must reflect the income or categorical eligibility information current as of the time the application is submitted. In the case of households applying for categorical eligibility, the supporting document must confirm ''current'' eligibility for food stamps, TANF, or the FDPIR program. For the purposes of this alternative, ''current'' eligibility means that the household is certified as eligible for food stamps, TANF or FDPIR at the time the household submits an application for free and reduced price meal benefits.

5. If the pilot site also conducts direct certification to establish eligibility, no changes would be made to the direct certification process.

6. Verification requirements would be waived since the confirmation of eligibility occurs at the time of application.

Alternative 3—Verify Direct Certification

The third alternative would require pilot sites to verify the continued eligibility of all children whose eligibility was established through direct certification. Currently, children may be directly certified for free meal benefits through eligibility in other programs: food stamps, TANF and FDPIR. These programs generally provide a 3 to 4 month certification of eligibility period. Verification of eligibility for those children is not required but households are required to notify school food authority officials if they no longer receive benefits from the program that originally established eligibility for school meals. In the event a household notifies school officials that they are no longer eligible, the school food authority is required to supply a free and reduced price meal application to allow the household to apply based on family size and income. However, if households fail to notify school officials when they are no longer eligible for food stamps, TANF or FDPIR, there is no mechanism to detect this change in benefit status. This alternative would operate as follows:

1. The pilot site would continue to inform households of children directly certified for free meal benefits that they are required to inform the pilot site if eligibility in the certifying program ends. In addition, the pilot site would inform such households that the eligibility of the directly certified children will be subject to verification.

2. By December 15, the pilot site would verify the continued eligibility of all children that were originally approved through the direct certification process for free meal benefits.

3. The verification process must require all households of directly certified children to provide documents confirming current eligibility for free meal benefits or collateral contact information that allows for confirmation. As a procedural alternative to collecting supporting documents or collateral contact information from households that were originally directly certified, pilot sites may run a second direct certification match or ''verification match'' of such households.

4. Households that do not supply documents or collateral contact information to confirm their eligibility would have their benefits for free meals terminated. If a pilot site chose to run a second direct certification match, households that were no longer identified as eligible through the direct

certification match would have their benefits for free meals terminated. For all households that have benefits terminated, the pilot site would be required to provide a ten day advance notification of the benefit termination prior to the termination of benefits. The notice must advise households of the change in eligibility, the reason for the change, the right to appeal as listed in 7 CFR 245.6a(e) and the right to reapply at any time during the school year.

5. Households of children that had meal benefits terminated as a result of the direct certification verification would have the opportunity to submit an application for free and reduced price meals, however, documents confirming the information on the application would be required at the time of application.

6. The pilot site would continue to conduct verification as outlined in 7 CFR 245.6a on the household size and income/categorical eligibility applications.

Alternative 4—Graduated Increase in Verification Sample Size

The fourth alternative would require pilot sites to contract with a third party to verify additional applications through a graduated increase in the sample size when a high percentage of error is disclosed by the original sample. When the third party finds through the standard verification process that a high percentage of verified households have benefits terminated or reduced, additional verification would be conducted by the third party. Pilot sites would expand the sample size when the error rate of the original sample meets or exceeds a target amount of 25%. This alternative would operate as follows:

1. Pilot sites would select an original 3% sample of free and reduced price meal benefit applications through random selection and a third party would conduct the verification process by December 15 as currently outlined in 7 CFR 245.6a;

2. If 25% or more of the households in the original sample have benefits terminated or reduced for any reason, including non-response, the third party would expand the sample size by randomly closing 50% of the remaining applications and verifying their eligibility, making sure not to re-select applications from the original sample.

3. If 25% or more of the households in the second sample have benefits terminated or reduced for any reason, including non-response, the third party would verify all remaining applications.

4. Under this alternative, no changes would be made to the direct certification process.

5. For all households that have benefits terminated, the third party would be required to provide a ten day advance notification of the termination/reduction prior to the actual reduction or termination. The notice must advise households of the change in eligibility, the reason for the change, the right to appeal as listed in 7 CFR 245.6a(e) and the right to reapply at any time during the school year.

6. All households that had benefits terminated or reduced as a result of verification and who wish to apply to meal benefits in the current year or the following year would be required to provide confirmation of eligibility at the time of application.

Alternative 5—School Food Authority/State Agency Alternative

There are three possibilities for school food authorities or State agencies to test their own alternative. One method is to test a variation of one of the alternatives, 1–4. A second method might be to design a comprehensive benefit determination system that covers multiple Federal, State and local assistance programs, not simply the Child Nutrition Programs. Pilot sites interested in designing a comprehensive benefit system must develop an application for a combination of several Federal, State and local benefits. Such pilot sites would develop the application, notification procedures and procedures for determining eligibility for the benefits covered by the application and apply to test the system. In addition, the comprehensive benefit system must include internal controls to ensure the delivery of benefits to eligible applicants and to deter or detect misreporting of eligibility information. The third method for school food authorities or State agencies is to design another procedure to deter or detect misreporting of eligibility information for school meal benefits and apply to test the alternative.

What are the Additional Responsibilities for Pilot Sites?

Pilot sites must retain complete and accurate records that allow us to evaluate the cost effectiveness of alternatives and whether the alternatives effectively deter misreporting or correctly detect households that should no longer be receiving benefits. Selected pilot sites must supply us, or our contractor, with requested information and data throughout the course of the pilot project. Pilot sites must also agree to devote appropriate staff time to work with us or the contractor during the three years the pilot projects are in operation.

Specific recordkeeping and reporting requirements will depend on the pilot procedures and extant recordkeeping activities. Pilot sites must agree to send us, upon request, copies of all records related to their pilot project.

Classification

Executive Order 12866

This notice has been determined to be not significant and is not subject to review by the Office of Management and Budget under Executive Order 12866.

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. Under section 202 of the UMRA, we generally prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to State, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, more cost-effective or least burdensome alternative that achieves the objectives of the rule.

This notice contains no Federal mandates (under regulatory provisions of Title II of the UMRA) for State, local, and tribal governments or the private sector of $100 million or more in any one year. Thus, this notice is not subject to the requirements of sections 202 and 205 of the UMRA.

Regulatory Flexibility Act

This action is not a rule as defined by the Regulatory Flexibility Act (5 U.S.C. 601 through 612) and thus is exempt from the provisions of that Act.

Executive Order 12372

The National School Lunch Program is listed in the Catalog of Federal Domestic Assistance under No. 10.555. It is subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials, (7 CFR Part 3015, Subpart V and final rule related notice at 48 FR 29112, June 24, 1983).

Dated: January 13, 2000.

Samuel Chambers, Jr.,

Administrator.

[FR Doc. 00–1434 Filed 1–20–00; 8:45 am]

BILLING CODE 3410–30–U

DEPARTMENT OF AGRICULTURE

Forest Service

Southwest Washington Provincial Advisory Committee Meeting Notice

AGENCY: Forest Service, USDA.

ACTION: Notice of Meeting.

SUMMARY: The Southwest Washington Provincial Advisory Committee will meet on Wednesday, January 26, 2000 at the Gifford Pinchot National Forest Office, located at 10600 NE 51 Circle, Vancouver, Washington. The meeting will begin at 10 a.m. and continue until 4:30 p.m. The purpose of the meeting is to: (1) Review the Law Enforcement program on the Forest; (2) Review the Cowlitz Valley Ranger District Flood Restoration Program; (3) Approve revisions to the Committee Vision Statement; and (4) Provide for a Public Open Forum. All Southwest Washington Provincial Advisory Committee meetings are open to the public. Interested citizens are encouraged to attend. The ''open forum'' provides opportunity for the public to bring issues, concerns, and discussion topics to the Advisory Committee. The ''open forum'' is scheduled as part of agenda item (4) for this meeting. Interested speakers will need to register prior to the open forum period. The committee welcomes the public's written comments on committee business at any time.

FOR FURTHER INFORMATION CONTACT: Direct questions regarding this meeting to Linda Turner, Public Affairs Specialist, at (360) 891–5195, or write Forest Headquarters Office, Gifford Pinchot National Forest, 10600 NE 51st Circle, Vancouver, WA 98682.

Dated: January 14, 2000.

Claire Lavendel,

Forest Supervisor.

[FR Doc. 00–1504 Filed 1–20–00; 8:45 am]

BILLING CODE 3410–11–M

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: February 23, 2000.

ADDRESS: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Leon A. Wilson, Jr. (703) 603–7740.

SUPPLEMENTARY INFORMATION:

On November 29 and December 10, 1999, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (64 FR 69225 and 66611) of proposed additions to the Procurement List.

The Following Comments Pertain to Grounds Maintenance/Vegetation Control, Concord Naval Weapons Station, Concord, California

Comments were received from the current contractor for this service in response to a request for sales data. The contractor indicated that losing this contract would have a severe adverse impact on the company because of the percentage of the company's total sales it represents and because the company would be unable to replace the lost revenue with a similar contract ''anytime soon.'' The percentage of the company's total sales which its contract for this service represents is well below the level which the Committee normally considers to constitute severe adverse impact on a company which loses a service to the Procurement List. In addition, the contractor's uncertainty about when it would be able to replace the lost revenue indicates that the possibility of mitigating the less than severe impact it will experience is not a remote one. Consequently, the Committee believes that addition of this service to the Procurement List will not have a severe adverse impact on the company.

The Following Material Pertains to the Two Services Being Added to the Procurement List:

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will not have a severe economic impact on current contractors for the services.

3. The action will result in authorizing small entities to furnish the services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the services proposed for addition to the Procurement List.

Accordingly, the following services are hereby added to the Procurement List:

Grounds Maintenance/Vegetation Control, Concord Naval Weapons Station, Concord, Calfornia.

Janitorial/Grounds Maintenance, U.S. Department of Agriculture, U.S. Horticultural Research Laboratory, Fort Pierce, Florida.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–1485 Filed 1–20–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed Additions to Procurement List.

SUMMARY: The Committee has received proposals to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

COMMENTS MUST BE RECEIVED ON OR BEFORE: February 23, 2000.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Crystal Gateway 3, Suite 310, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–4302.

FOR FURTHER INFORMATION CONTACT: Leon A. Wilson, Jr. (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, all entities of the Federal Government (except as otherwise indicated) will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. The action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following services have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Grounds Maintenance: U.S. Army Reserve Center, 682 Main Street, Keene, New Hampshire.

NPA: Wyman Way Cooperative, Inc., Keene, New Hampshire.

Grounds Maintenance at the following locations: U.S. Army Reserve Center 70 Rochester Hill Road, Rochester, New Hampshire; U.S. Army Reserve Center, 125 Cottage Street, Portsmouth, New Hampshire.

NPA: Goodwill Industries of Northern New England, Portland, Maine.

Impressions Custom Printed Products Services for General Services Administration: 26 Federal Plaza, New York, New York.

NPA: The Lighthouse for the Blind, Inc., Seattle, Washington.

Library Services, Building 405, Shaw AFB, South Carolina.

NPA: The Genesis Center, Sumter, South Carolina.

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–1487 Filed 1–20–00; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

''Addition to the Procurement List'' Correction

In the document appearing on page 72312, FR document 99–33491, in the issue of December 27, 1999, in the third column, the listing for Knife, Kitchen, NSN 7340–00–686–0863 should have been 7340–00–680–0863.

Louis R. Bartalot,

Deputy Director (Operations).

[FR Doc. 00–1486 Filed 1–20–00; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–801]

Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof From Germany; Preliminary Results of Antidumping Duty New-Shipper Review

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

ACTION: Notice of Preliminary Results of Antidumping Duty New-Shipper Review.

SUMMARY: In response to a request by MPT Prazisionsteile GmbH Mittweida, the Department of Commerce is conducting a new-shipper review of the antidumping duty order on antifriction bearings (other than tapered roller bearings) and parts thereof from Germany. The merchandise covered by this order is ball bearings and parts thereof. The period of review is May 1, 1998, through April 30, 1999.

We have preliminarily determined that sales have not been made below normal value by MPT Prazisionsteile GmbH Mittweida. If these preliminary results are adopted in the final results of this review, we will instruct the Customs Service to liquidate appropriate entries without regard to dumping duties.

We invite interested parties to comment on these preliminary results. Parties who submit comments in these proceedings are requested to submit with each argument (1) a statement of the issue and (2) a brief summary of the argument.

EFFECTIVE DATE: January 21, 2000.

FOR FURTHER INFORMATION CONTACT: Anne Copper or Robin Gray, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–0090 or (202) 482–4023, respectively.

SUPPLEMENTARY INFORMATION:

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 amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce regulations are to 19 CFR Part 351 (1998).

Background

On May 25, 1999, MPT Prazisionsteile GmbH Mittweida (MPT) requested that the Department of Commerce (the Department) conduct a new-shipper review pursuant to section 751(a)(2)(B) of the Act and 19 CFR 351.214(b). In this request, MPT certified that it did not export the subject merchandise to the United States during the period (POI) covered by the original less-than-fair-value (LTFV) investigation and that it is not affiliated with any company which exported subject merchandise to the United States during the POI. Pursuant to 19 CFR 351.214(b)(2)(iv), MPT submitted documentation establishing the date on which it first entered subject merchandise for consumption into the United States, the volume of that shipment, and the date of the first sale to an unaffiliated customer in the United States. Based on the above information, the Department initiated a new-shipper review covering MPT (see *Antifriction Bearings (Other Than Tapered Roller Bearings) and Parts Thereof from Germany: Initiation of New Shipper Antidumping Duty Review,* 64 FR 40549 (July 27, 1999)). The Department is now conducting this review in accordance with section 751 of the Act and 19 CFR 351.214.

On July 28, 1999, we issued our questionnaire to MPT. We received a response to this questionnaire on September 2, 1999.

On September 24, 1999, we issued a supplemental questionnaire to MPT. We received a response to this questionnaire on October 8, 1999.

On November 1 through 3, 1999, the Department conducted verification of the data submitted by MPT, in accordance with section 782(i) of the Act and 19 CFR 351.307(b)(1)(iv).

Scope of Review

The merchandise covered by this review includes all antifriction bearings that employ balls as the rolling element. Imports of these products are classified under the following categories: antifriction balls, ball bearings with integral shafts, ball bearings (including radial ball bearings) and parts thereof, and housed or mounted ball bearing units and parts thereof.

Imports of these products are classified under the following Harmonized Tariff Schedules (HTS) subheadings: 3926.90.45, 4016.93.00, 4016.93.10, 4016.93.50, 6909.19.5010, 8431.20.00, 8431.39.0010, 8482.10.10, 8482.10.50, 8482.80.00, 8482.91.00, 8482.99.05, 8482.99.10, 8482.99.35, 8482.99.6590, 8482.99.70, 8483.20.40, 8483.20.80, 8483.50.8040, 8483.50.90, 8483.90.20, 8483.90.30, 8483.90.70, 8708.50.50, 8708.60.50, 8708.60.80, 8708.70.6060, 8708.70.8050, 8708.93.30, 8708.93.5000, 8708.93.6000, 8708.93.75, 8708.99.06, 8708.99.31, 8708.99.4960, 8708.99.50, 8708.99.5800, 8708.99.8080, 8803.10.00, 8803.20.00, 8803.30.00, 8803.90.30, and 8803.90.90.

The HTS item numbers are provided for convenience and customs purposes. They are not determinative of the products subject to the order. The written descriptions remain dispositive.

Size or precision grade of a bearing does not influence whether the bearing is covered by the order. This order covers all the subject bearings and parts thereof (inner race, outer race, cage, rollers, balls, seals, shields, etc.) outlined above with certain limitations. With regard to finished parts, all such parts are included in the scope of this order. For unfinished parts, such parts are included if (1) they have been heat-treated, or (2) heat treatment is not required to be performed on the part. Thus, the only unfinished parts that are not covered by this order are those that will be subject to heat treatment after importation.

The ultimate application of a bearing also does not influence whether the bearing is covered by the order. Bearings designed for highly specialized applications are not excluded. Any of the subject bearings, regardless of whether they may ultimately be utilized in aircraft, automobiles, or other equipment, are within the scopes of this order.

Period of Review

The period of review (POR) is May 1, 1998, through April 30, 1999.

United States Price

In calculating the price to the United States, we used export price (EP) as defined in section 772(a) of the Act because the subject merchandise was sold to an unaffiliated U.S. purchaser in the United States prior to the date of importation into the United States and the use of constructed export price was not indicated by the facts of record.

We calculated EP for U.S. sales based on ex-factory prices to the United States. We made adjustments for domestic inland freight from the plant to port of exit in accordance with section 772(c)(2)(A) of the Act. We used the invoice date as the date of sale for the U.S. market because this was the point at which the material terms of sale were determined.

No other adjustments to EP were claimed.

Normal Value

In order to determine whether there is a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is five percent or more of the aggregate volume of U.S. sales), we compared the volume of MPT's home market sales of the foreign like product to the volume of U.S. sales of subject merchandise, in accordance with section 773(a)(1)(C) of the Act. Based on this comparison, we determined that MPT had a viable home market during the POR. Consequently, we based NV on home market sales.

For price-to-price comparisons, we based NV on ex-warehouse or delivered prices to home market customers. We made adjustments for packing and for movement expenses in accordance with section 773(a)(6)(A) and (B) of the Act. We made circumstances-of-sale adjustments by deducting home-market direct selling expenses, which included credit expenses and royalties, and by adding U.S. direct selling expenses. We also made billing adjustments and deducted early payment discounts. No other adjustments to NV were claimed.

Level of Trade

MPT made EP sales to unaffiliated customers in one customer category which was similar to the home market customer category with respect to selling functions. Therefore, we considered this category to constitute one level of trade and that level of trade to be the same as the level of trade found in the home market. Therefore, we have matched EP sales to sales in the home market and made no level-of-trade adjustment.

Preliminary Results of the Review

We preliminarily determine that a margin of 0.00 percent exists for MPT during the period May 1, 1998, through April 30, 1999.

The Department will disclose to parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice. Interested parties may request a hearing within 30 days of publication. Any hearing, if requested, will be held three days after the date rebuttal briefs are filed. Interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 35 days after the date of publication of this notice. The Department will issue the final results of this new shipper review, including the results of its analysis of issues raised in any such written comments, within 90 days of the issuance of these preliminary results.

Upon completion of the new-shipper review, the Department will issue appraisement instructions for the reviewed importations directly to the Customs Service.

Further, the following deposit requirements will be effective for all shipments of ball bearings from Germany entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this new shipper review, as provided for by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for the reviewed company will be the rate established in the final results of this review; (2) for previously investigated companies, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, or the LTFV investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 68.89 percent, the all-others rate.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation

of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this new-shipper review and notice in accordance with sections 751(a)(2)(B) and 777(i)(1) of the Act.

Dated: January 13, 2000.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 00–1492 Filed 1–20–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–824, A–588–836]

Polyvinyl Alcohol From Japan and Taiwan: Postponement of Preliminary Results of Antidumping Duty Administrative Reviews

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

ACTION: Notice of extension of the time limit for the preliminary results in the antidumping duty administrative reviews of the antidumping duty orders on polyvinyl alcohol from Japan and Taiwan.

SUMMARY: The Department of Commerce is extending the time limit for the preliminary results of the antidumping duty administrative reviews of the antidumping duty orders on polyvinyl alcohol from Japan and Taiwan. These reviews cover the period May 1, 1998, through April 30, 1999.

EFFECTIVE DATE: January 21, 2000.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Barbara Wojcik-Betancourt, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone: (202) 482–1766 or (202) 482–0629, respectively.

Postponement of Preliminary Results of Reviews: The Department of Commerce initiated reviews of the antidumping duty orders on polyvinyl alcohol from Japan and Taiwan on June 21, 1999 (64 FR 35124). The current deadline for the preliminary results in these reviews is January 31, 2000. In accordance with section 751 (a)(3)(A) of the Tariff Act of 1930 (" the Act"), as amended, we determine that it is not practicable to complete the administrative review of polyvinyl alcohol ("PVA") from Taiwan and Japan within the original time frame (*see* January 12, 1999, Memorandum from Richard W. Moreland, Deputy Assistant Secretary for Import Administration to Robert S. LaRussa, Assistant Secretary for Import Administration). Thus, the Department of Commerce is extending the time limit for completion of the preliminary results until May 30, 2000, which is 365 days after the last day of the anniversary month of the order.

We intend to issue the final results within 120 days of the publication of the preliminary results.

Dated: January 12, 2000.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 00–1491 Filed 1–20–00; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket Number: 991019280–0011–02]

RIN: 0693–ZA34

Partnership for Advancing Technologies in Housing Cooperative Research Program (PATH-CoRP)—Notice of Availability of Funds; Correction

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice; Correction.

SUMMARY: The Department of Commerce, National Institute of Standards and Technology (NIST) published a document in the **Federal Register** on December 7, 1999, concerning the availability of funds for the Partnership of Advancing Technologies in Housing Cooperative Research Program (PATH-CoRP). The document inadvertently provided some incorrect information and failed to provide some imperative information.

FOR FURTHER INFORMATION CONTACT: Stephen Cauffman, (301) 975–6051.

Correction

In the **Federal Register** of December 7, 1999, in FR Doc. 99–31606, on page 68322, in the second column, correct the **ADDRESSES AND CONTACT INFORMATION** caption to read:

ADDRESS AND CONTACT INFORMATION: Applicants are requested to submit any technical questions to: Mr. Stephen Caufmann, NIST BFRL, Structures Division, 100 Bureau Drive, STOP 8611, Gaithersburg, MD 20899–8611, Phone (301) 975–6051, E-mail Cauffman@nist.gov. Administrative questions should be directed to Joyce F. Brigham, NIST Grant Office, 100 Bureau Drive, STOP 3573, Gaithersburg, Maryland 20899–3573, Telephone: 975–6329.

On page 68323, in the third column, correct the APPLICATION KIT caption to read:

APPLICATION KIT: Each applicant must submit one signed original and two signed copies of each proposal along with the Grant forms delineated below to: National Institute of Standards and Technology, Building and Fire Research Laboratory, Structures Division, 100 Bureau Drive, STOP 8611, Gaithersburg, MD 20899–8611, Attention Stephen Cauffman. In addition, technical proposals must not exceed 20 pages. However, this page limitation EXCLUDES the SF–424, SF–424A, and Budget narrative, SF–424B, CD–346, CD–511, CD–512, and SF–LLL.

An application kit, containing all required application forms and certifications may be obtained by contacting Ms. Lisa Wells, (301) 975–6048 or E-mail, Lisa.wells@NIST.gov. The application kit includes the following:

SF–424 (Rev. 7/97)—Application for Federal Assistance.

SF–424A (Rev. 7/97)—Budget Information—Non-Construction Programs

SF–424B (Rev. 7/97)—Assurances—Non-Construction Programs

CD–346 (Rev. 6/97)—Applicant for Funding Assistance

CD–511 (7/91)—Certification Regarding Debarment; Suspension, and Other Responsibility Matters: Drug-Free Workplace Requirements and Lobbying

CD–512 (7/91)—Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying

SF–LLL—Disclosure of Lobbying Activities

Applications will not be accepted via facsimile machine transmission or electronic mail.

Raymond G. Kammer,

Director, NIST.

[FR Doc. 00–1402 Filed 1–20–00; 8:45 am]

BILLING CODE 3510–13–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011100E]

Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing and Scientific Research Permits

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

ACTION: Applications for Exempted Fishing and Scientific Research Permits; request for comments.

SUMMARY: NMFS announces the receipt of applications for exempted fishing permits (EFPs) and scientific research permits (SRPs) regarding collection of Atlantic highly migratory species. If granted, these EFPs/SRPs would authorize collections of a limited number of tunas, swordfish, billfish, and sharks from Federal waters in the Atlantic Ocean for the purposes of scientific data collection and public display.

DATES: Written comments on these collection and research activities will be considered by NMFS in issuing such EFPs/SRPs if received on or before January 31, 2000.

ADDRESSES: Send comments to Rebecca Lent, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The EFP/SRP applications and copies of the regulations under which EFPs/SRPs are issued may also be requested from this address. Comments also may be sent via facsimile (fax) to (301) 713–1917. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Sari Kiraly or Steve Meyers, 301–713–2347; fax: 301–713–1917.

SUPPLEMENTARY INFORMATION: EFPs and SRPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic highly migratory species.

Issuance of EFPs and/or SRPs may be necessary because possession of certain shark species is prohibited, possession of billfish on board commercial fishing vessels is prohibited, and because the commercial fisheries for bluefin tuna, swordfish and large coastal sharks may be closed for extended periods during which collection of live animals and/or biological samples would otherwise be prohibited. In addition, NMFS regulations at 50 CFR 635.32 regarding implantation or attachment of archival tags in Atlantic highly migratory species require prior authorization and a report on implantation activities.

NMFS seeks public comment on its intention to issue EFPs for the purpose of collecting biological samples under at-sea fisheries observer programs. NMFS intends to issue EFPs to any NMFS or NMFS-approved observer to bring onboard and possess, for scientific research purposes (e.g., biological sampling, measurement, etc), any Atlantic swordfish, Atlantic shark, or Atlantic billfish provided the fish is a recaptured tagged fish, a dead fish prior to being brought onboard, or specifically authorized for sampling by the Director of the Office of Sustainable Fisheries at the request of the Southeast Fisheries Science Center or Northeast Fisheries Science Center. NMFS intends to authorize collection of no more than 500 Atlantic swordfish, 225 Atlantic billfish, and 575 Atlantic sharks under at-sea observer EFPs. These are the approximate total number of billfish, swordfish, and sharks that were collected by observers under EFPs in 1999.

Collection of bluefin tuna would be authorized for scientific research. During 1999, 12 requests for Letters of Authorization and Scientific Research Permits were received for a total landing of approximately 165 bluefin tunas. Such bluefin tunas provided samples for age and growth, genetic, and spawning studies.

Comments are also sought on the issuance of EFPs to provide offloading windows in the Atlantic Swordfish fishery, in the event the swordfish fishery is closed prior to June 1, 2000, the date when the vessels must carry (64 FR 55633, October 14,1999) a vessel monitoring system (64 FR 48988, September 9, 1999) that would enable them to remain at sea after the announced closure date. It is estimated that there may be 50 swordfish applicants out of the 243 directed and 208 incidental permits that have been issued. NMFS anticipates that commercial EFP applicants would be captains of larger vessels out on extended trips at the time of a closure announcement. These applicants would benefit from delayed offloading by avoiding market gluts and cold storage problems.

NMFS is also seeking public comment on its intention to issue EFPs for the collection of restricted species of sharks for the purposes of public display. In the final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks, NMFS establish a public display quota of 60 metric tons wet weight for this purpose. NMFS has preliminarily determined that up to 3,000 sharks would be consistent with this current quota and the most recent environmental impact statement prepared for this fishery. NMFS believes that this amount will have a minimal impact on the stock. To date, requests have been submitted to NMFS for the collection of approximately 900 sharks.

The proposed collections involve activities otherwise prohibited by regulations implementing the FMPs for Atlantic Swordfish, Tunas, and Sharks and for Atlantic Billfish. The EFPs, if issued, would authorize recipients to fish for and possess tunas, billfish, swordfish and sharks outside the applicable Federal commercial seasons, size limits and retention limits, and to fish for and possess prohibited species.

NMFS intends to issue EFPs to be valid for the entire 2000 calendar year or 2000 fishing year, as appropriate for each species. A final decision on issuance of EFPs will depend on the submission of all required information, NMFS' review of public comments received on this notice, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and on any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any environmental impacts from the issuance of these EFPs other than impacts assessed in the Final Environmental Impact Statement (April, 1999).

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: January 14, 2000.

Bruce C. Morehead, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 00–1401 Filed 1–14–00; 4:59 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No.: 991215340–9340–01]

RIN 0648–ZA76

Collaborative Science, Technology, and Applied Research (CSTAR) Program

AGENCY: National Weather Service (NWS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice and request for proposals.

SUMMARY: The CSTAR Program represents an NOAA/NWS effort to create a cost-effective continuum from basic and applied research to operations through collaborative research between operational forecasters and academic institutions which have expertise in the environmental sciences. These activities improve the accuracy of forecasts and warnings of environmental hazards by applying scientific knowledge and information from the modernization of the NWS. The NOAA CSTAR Program is a contributing element of the U.S. Weather Research Program, which is coordinated by the interagency Committee on Environmental and Natural Resources. NOAA's program is designed to complement other agency contributions to that national effort.

Pursuant to Executive Orders 12876, 12900, and 13021, DOC/NOAA is strongly committed to broadening the participation of Historically Black Colleges and Universities, Hispanic Serving Institutions, and Tribal Colleges and Universities in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs.

This program is designated under Catalog for Federal Assistance number 11.468, Applied Meteorological Research.

DATES: Proposals must be received by the NWS no later than close of business April 14, 2000. We anticipate review of full proposals will occur during May 2000, and funding should begin during later summer 2000 for most approved projects. August 1, 2000, should be used as the proposed start date on proposals, unless otherwise directed by the appropriate Program Officer. Applicants should be notified of their status within 3 months of the closing date. All proposals must be submitted in accordance with the guidelines below. Failure to follow these guidelines will result in proposals being returned to the submitter.

ADDRESSES: Proposals must be submitted to NWS, NOAA; 1325 East-West Highway, Room 13316; Silver Spring, Maryland 20910–3283.

FOR FURTHER INFORMATION CONTACT: Sam Contorno (see **ADDRESSES**), or by phone at 301–713–1970 ext. 193, or fax to 301–713–1520, or on Internet at samuel.contorno@noaa.gov.

SUPPLEMENTARY INFORMATION:

Funding Availability

NOAA/NWS believes its warning and forecast mission will benefit significantly from a strong partnership with outside investigators. Current program plans assume the total resources provided through this announcement will support extramural efforts through the broad academic community. Because of Federal budget uncertainties, it has not been determined how much money will be available through this announcement. Proposals should be prepared assuming an annual budget of no more than $125,000. It is expected between two and five awards will be made depending on availability of funds. This program announcement is for projects to be conducted by university investigators for a 1-year, 2-year, or 3-year period. When a proposal for a multi-year award is approved, funding will initially be provided for only the first year of the program. If an application is selected for initial funding, the NWS has no obligation to provide additional funding in connection with that award in subsequent years. Funding for each subsequent year of a multi-year proposal is at the discretion of the NWS. It will be contingent upon satisfactory progress in relation to the stated goals of the proposal to address specific science needs and priorities of the NWS and the availability of funds. Applications must include a scope of work and a budget for the entire award period. Each funding period must be discrete and clearly distinguished from any other funding period.

The funding instrument for extramural awards will be a cooperative agreement since one or more NOAA/NWS components—forecast offices, National Centers for Environmental Prediction (NCEP) service centers, or regional headquarters—will be substantially involved in implementation of the project. Examples of substantial involvement may include, but are not limited to, proposals for collaboration between NOAA scientists and a recipient scientist and/or contemplation by NOAA or detailing Federal personnel to work on proposed projects. Funding for non-U.S. institutions and contractual arrangements for services and products for delivery to NOAA are not available under this announcement. A matching share is not required by this program.

Program Objectives

The long term objective of the CSTAR Program is to improve the overall forecast and warning capabilities of the operational hydrometeorological community by addressing the following national science priorities through collaborative efforts between the NWS and academic institutions: Quantitative precipitation estimation (QPE) and forecasting (QPF), including precipitation type and probabilistic QPF; Flash flood and probabilistic river prediction; Prediction of seasonal-to-interannual and decadal climate variability, and the impacts of these variabilities on extreme weather events; Prediction of tropical cyclones near landfall, including track, intensity, and associated precipitation, and hazardous weather; Prediction of marine conditions, including fog, winds, coastal ocean, and open-ocean waves; The effect of topography and other surface forcing on local weather regimes; Locally hazardous weather, especially severe convection, winter weather, and phenomena that affect aviation; and Conditions conducive for the rapid development of wildfires and the dispersion of smoke and other air-quality hazards.

Individual NWS Regions and NCEP service centers have a subset of these science priorities due to differences in factors such as topography, weather regimes, and mission.

Program Priorities

NOAA will give sole attention to individual proposals addressing the identified science needs/priorities from NWS Regions and NCEP service centers as listed below. It is anticipated one proposal will be funded addressing one or more of the science needs/priorities of both the NWS Southern and Western Regions. Although there is no guarantee funding will be available, a proposal may be considered for funding separately as an ''at large'' award if it:

(1) Addresses Western or Southern Region science needs/priorities and is not selected for funding in its respective category, or

(2) Addresses one or more of the science needs/priorities from other NWS Regions or NCEP service centers. Therefore, universities are also encouraged to submit proposals addressing any of the science needs/priorities from other NWS Regions and NCEP service centers. Proposals must clearly specify which primary science priorities/needs are being addressed. Although a proposal may address science needs/priorities from more than one NWS Region or NCEP service center, a proposal can be considered only for funding in a single category which must be designated by the Principal Investigators (PI) (i.e., Southern Region, Western Region, or at large).

Since a goal of this call for proposals is to foster long-term collaborative interactions between a university and NWS operational offices/NCEP service centers, all PIs within this program must be a full, assistant, or associate college or university professor with substantial documented involvement in the proposal. Proposals should clearly state the role of each PI in the project.

A proposal must be submitted by at least two PIs from the same college or university. Multiple university proposals are not allowed. Except for researchers who are associate, assistant, or full professors at the Naval Postgraduate School or other federally funded educational institutions, Federal Government employees are not allowed to be listed as PIs, although collaboration between the academic community and NOAA within the project is strongly encouraged. A proposal must contain at least two distinct subtasks addressing one or more of the science needs/priorities listed by a single NWS Region or NCEP service center. PIs must clearly address the science and technology transfer process contained within the proposal. This includes their interactions with operational NWS units, including weather offices, River Forecast Centers, NCEP service centers, and regional offices, with the specific goal of improving operational services.

The names, affiliations, and phone numbers of relevant NWS regional/NCEP focal points are provided. Prospective applicants should communicate with these focal points for information on priorities within regional science needs. Applicants should send proposals to the NOAA/NWS program office identified earlier rather than to individual focal points.

NWS Eastern Region Science Needs/Priorities

NWS Eastern Region has listed the following science needs/priorities to be addressed by proposals:

Unique geomorphic influences on weather problems such as the type, amount, duration, and intensity of precipitation associated with the complex terrain of the Appalachian Mountains or the formation, duration, and intensity of severe storms and winter weather phenomena along the Atlantic Seaboard and the Great Lakes.

The relationship of land-falling tropical storms and hurricanes to severe weather, heavy precipitation, flooding, and flash flooding throughout the eastern United States. The development and enhancement of severe storms throughout the Middle Atlantic and the Piedmont regions due to the influence of small-scale thermal and moisture boundaries. The interaction of gravity waves and related phenomena with severe storms and winter weather systems throughout the East.

The primary factors causing high winds, waves, and flooding near the Atlantic Coast, Chesapeake Bay, and Great Lakes. Widespread river and localized flash flooding produced by synoptic and sub-synoptic scale weather systems interacting with the complex topography and expanding urbanization of the eastern United States.

Innovative approaches to formulate, produce, display, and deliver high-resolution hydrometeorological forecasts and products to meet the evolving needs of the user community throughout the heavily populated eastern United States.

For Further Information Contact: Gary Carter, NOAA/NWS/Eastern Region Scientific Services Division, 516–524–5131, or on the Internet at gary.carter@noaa.gov.

NWS Southern Region Science Needs/Priorities

The NWS Southern Region science needs/priorities to be addressed by proposals are as follows:

Development of improved techniques for the prediction of freezing and frozen precipitation events in the NWS Southern Region including timing, areal extent, intensity, and amount.

Development of diurnal lightning and cloud climatologies stratified by weather regime to better predict the onset, spatial coverage, and duration of precipitation, especially under weak synoptic forcing.

Development of improved techniques to forecast and monitor heavy-rain events.

Development of relationships between land falling tropical cyclones and associated severe weather, heavy precipitation, flooding, and flash flooding throughout the southern United States.

Development of improved techniques to observe and forecast winds and waves in the coastal environment.

Improved understanding of the unique geomorphic influences on weather problems such as type, amount, duration, and intensity of precipitation and resultant flash flooding associated with the complex terrain of the southern Appalachian Mountains, the Mexican Plateau, and the Gulf Coast.

Development of optimal strategies for using mesoscale models to accurately predict the effects of topography and other surface forcing on local weather.

Development of methodologies to better predict the development and duration of stratus, fog, and other conditions which produce instrument flight rule conditions in the NWS Southern Region.

Development of methodologies to use the Doppler weather surveillance radar (WSR–88D) and multi-sensor technology to detect/identify storm features leading to, and/or associated with, the development of weak (F0 and F1) tornadoes characteristic of semi-tropical environments.

Development of optimal WSR–88D scan strategies and adaptable parameter settings for accurately estimating heavy precipitation amounts.

Development of methodologies to better predict the type, duration, and severity of arctic outbreaks that result in damaging freezes affecting the NWS Southern Region.

For Further Information Contact: Dan Smith, NOAA/NWS/Southern Region Scientific Services Division, 817–978–2671, or on the Internet at dan.smith@noaa.gov.

NWS Central Region Science Needs/Priorities

The NWS Central Region science needs/priorities to be addressed by proposals are as follows:

Improve hazardous weather warnings for different geographical locations in Central Region, including the Central Plains, Northern Plains, Ozark Plateau, mid and upper Mississippi Valley, lower Ohio Valley and Great Lakes regions by:

Developing more accurate, region-specific conceptual models for tornado, hail, high wind, heavy precipitation, and elevated nocturnal convection events.

Developing more accurate, region-specific diagnostic strategies/

methodologies to interrogate remotely sensed data (radar, satellite, etc.) and numerical weather guidance with emphasis on weaker and shorter lived severe thunderstorm and tornado events.

Improve Central Region winter weather precipitation forecasts by:

Developing a climatology of winter precipitation events including, but not limited to, heavy snow, sleet or freezing rain stratified by Central Region County Warning Forecast Areas and relating it to public products and services.

Linking cloud physics and associated micro-physical processes, precipitation efficiency, water vapor distribution, and transport of winter stratiform and/or convective clouds to improved methodologies for estimating or forecasting winter precipitation amounts.

Improve the accuracy (probability of detection) and average forecast lead time for winter storm warnings by better understanding the development, intensification, and sudden acceleration northeastward of strong mid-west storm systems following Rocky Mountain lee-side cyclogenesis.

Improve aviation forecast products and services by:

Developing a climatology of ceiling, visibility, and low-level wind shear for Central Region county warning forecast areas.

Developing better methodologies to forecast the onset and dissipation of fog and low ceilings for different geographical locations in the Central Region.

Improve the utility and utilization of numerical guidance in the forecast process by developing more efficient and effective methodologies to display, review, and interrogate numerical model output in an operational environment.

Improve the quality of weather services to the public through the development of new and innovative forecast methodologies and products.

For Further Information Contact: Richard Livingston, NOAA/NWS/Central Region Scientific Services Division, 816–426–5672 ext. 300, or on the Internet at Richard.Livingston@noaa.gov.

NWS Western Region Science Needs/Priorities

The NWS Western Region science goals are as follows: Improve operational precipitation and hydrological forecasts in complex terrain across a wide range of western U.S. meteorological regimes. In the West, water is a critical and closely managed resource.

Improve wintertime forecasts of snow in complex terrain and improve hydrological modeling of snow melt processes in complex terrain.

Improve precipitation and flash flooding forecasts produced from high based convection with a deep dry sub cloud layer in the arid inter-mountain region.

Improve forecast of significant precipitation events that produce flooding along the west coast.

Improve forecast of the onset of the monsoon season and flash flooding in the desert Southwest.

Improve snow and wind forecast associated with arctic front intrusion into complex terrain in the northern plains.

Improve operational forecasts through better capturing the effect of complex terrain and coastal marine environment over the western United States.

Improve use of observational networks, such as mesonets.

Improve analysis through better assimilation systems that produce more realistic analysis in complex terrain.

Improve numerical model performance in western complex terrain.

Conceptual models that better describe the effect of complex terrain on weather forecasts.

Develop innovative approaches to produce and deliver high resolution hydrometeorological forecasts and products to meet the evolving user community needs throughout the western United States.

Improve fire-weather forecasts and smoke dispersion in the western United States.

Improve forecasters ability to produce forecasts of temperature, humidity, and winds in complex terrain.

Improve forecast and warnings of severe weather unique to the western United States through the better use of observational systems and conceptual models.

Improve the performance of coastal and mountain-top WSR–88D radars on a variety of NWS Western Region weather regimes, such as high based inter-mountain convection and low topped storms along the west coast.

For Further Information Contact: Andy Edman, NOAA/NWS/Western Region Scientific Services Division, 801–524–5131, or on the Internet at andy.edman@noaa.gov.

NWS Alaska Region Science Needs/Priorities

The science needs/priorities of the NWS Alaska Region are as follows:

Improve the accuracy (probability of detection) and lead time for airborne volcanic ash detection and tracking by better understanding source conditions and early developments of the ash cloud. Improvements must include remote sensing techniques.

Innovative approaches to remote sensing that result in the formulation and production of high resolution hydrometeorological forecasts of river and localized flash flooding produced by synoptic and mesoscale weather systems interacting with complex terrain in south-central Alaska. Emphasis should be placed on the Kenai River watershed.

Develop better methodologies to forecast winds over the marine inland waters of southeast Alaska. Methodologies can include numerical forecasts from mesoscale models.

Determine the geomorphic influences on type, amount, duration, and intensity of snow associated with complex terrain to improve forecasts for the Anchorage, Alaska, area, where over 50 percent of the state population resides.

Improve methodologies to forecast fog in the Alaska coastal communities located along the coast of the Gulf of Alaska.

Improve the winter season WSR–88D-based rain and snow QPEs. All six sites are influenced by complex topography.

For Further Information Contact: Gary Hufford, NOAA/NWS/Alaska Region Environmental and Scientific Services Division, 907–271–3886, or on the Internet at gary.hufford@noaa.gov.

NWS Pacific Region Science Needs/Priorities

The science needs/priorities of the NWS Pacific Region are as follows:

Optimize the utility of new and existing observing systems, with emphasis on satellites and their use in providing precipitation estimations.

Develop, optimize, and utilize local high-resolution modeling capabilities aimed at providing operational real-time guidance as well as a tool for locally conducted research.

Conduct Pacific Basin synoptic climatological studies, with emphasis on flash-flood and high-wind events.

For Further Information Contact: Mark Jackson, NOAA/NWS/Pacific Region Regional Scientist, 808–532–6413, or on the Internet at mark.jackson@noaa.gov.

NWS National Centers for Environmental Prediction Science Needs/Priorities

NCEP service centers have established the following science needs/priorities which may be addressed in proposals:

Aviation Weather Center

Develop numerical and subjective techniques to improve the accuracy of convective forecasts in the 2–6 hour time scale.

Improve the treatment of drizzle-size droplets in clouds that lead to aircraft icing through improved parameterization and/or explicit micro physics techniques that are both economical and support cloud initialization using existing observational data sets, including the Automated Surface Observing System, radar, and satellite data.

Enhance understanding of the triggering mechanisms associated with different families of clear-air turbulence events, including gravity waves emanating from convective systems, gravity waves induced by jet streaks, cross mountain flow, critical boundary-layer flow regimes, etc.

Climate Prediction Center

Develop dynamically and ensemble-based techniques to improve the prediction of weekly, monthly, and seasonal precipitation skill, including regional climate prediction systems.

Improve global and domestic forecasts of seasonal climate variability through better understanding and modeling of the coupled atmosphere/ocean system and the effect of variations on that coupling to ensemble prediction.

Hydrometeorological Prediction Center (HPC)

Efforts addressing the broad geographical and seasonal ranges of problems associated with QPF, from initiation, duration, movement, to winter weather type. This includes the spectrum from drizzle to heavy rain and from flurries through lake-effect snow to synoptic-scale snowfall.

Develop new model verification techniques to enhance current methods of objectively assessing which models will perform best. The techniques should apply for all time ranges used by HPC, from less than 6 hours to 7 days.

Develop techniques to modify gridded numerical guidance to produce gridded forecast products, which are made horizontally, vertically, and temporally consistent using sound meteorological theory.

Marine Prediction Center (MPC)

Develop a robust marine verification system that utilizes the various observations from both in-situ and remote sources. Parameters to be verified include, but are not limited to: wind speed and direction; sea-state (height, period, direction); visibility; weather; and icing conditions.

Improve forecasting techniques for warnings and forecasts of hazardous marine conditions through the use of additional data sources (especially in-situ), as well as improved use of all marine data sources in numerical weather prediction and model data assimilation techniques.

Storm Prediction Center

Develop mesoscale or storm-scale numerical prediction models, ensemble approaches, and verification techniques to improve forecasts of the location, timing, intensity, and mode of deep moist convection.

Develop three-dimensional mesoscale analysis techniques, observing systems, expert systems or statistical guidance, robust conceptual models, and scientific understanding to improve forecasts of the location, timing, intensity, and mode of deep moist convection.

Tropical Prediction Center (TPC)

Improve hurricane intensity forecasting using either empirical or dynamical forecasting techniques, especially those that combine atmospheric/oceanic interactions and which can be incorporated with existing TPC intensity guidance.

Improve forecasts for the size of tropical storms, including verification of TPC's (and the Geophysical Fluid Dynamic Laboratory's) wind radii forecasts. A goal of this effort will be the generation of probabilistic guidance by MPC and TPC on 34 and 50 kt forecast wind radii for marine and emergency management interests.

Development an ''all-platform'' surface wind display and analysis over marine areas for use by TPC and MPC that would cover the larger scale tropical storm environment and that would superimpose QuickScat, SSM/I, ERS, low-level cloud-drift winds, and conventional observations, including buoys and ships, etc.

Note: In all instances, projects are encouraged which not only address the needs of individual NCEP service centers but also address aspects of the NCEP/Environmental Modeling Center's need for improving data assimilation and numerical modeling of the atmosphere, oceans, and Earth's surface.

For Further Information Contact: Ralph Petersen, NOAA/NWS/National Centers for Environmental Prediction, 301–763–8000 ext. 7008, or on the Internet at ralph. petersen@noaa.gov.

Eligibility

All accredited U.S. colleges and universities, including federally funded educational institutions such as the Naval Postgraduate School, are eligible for funding under this announcement. The restriction is needed because the results of the collaboration are to be incorporated in academic processes which ensure academic multidisciplinary peer review as well as Federal review of scientific validity for use in operations. Funding for non-U.S. institutions is not available under this announcement.

Evaluation Criteria

The evaluation criteria and weighting of the criteria are as follows:

(1) Operational Applicability (30 percent): What is the likelihood of the proposed science activities to improve operation hydrometeorological services? Are proposed research activities transferable to forecast operations in a reasonable time frame?

(2) Scientific Merit (25 percent): What is the intrinsic scientific value and maturity of the subject and the study proposed as they relate to the specific science priorities?

(3) Technology Transfer and Methodology (25 percent): What is the degree of collaboration with multiple operational units throughout the project? What is the level of planning by research to integrate results into operations successfully and efficiently? Were focused scientific objectives and strategies, including data management considerations, project milestones, and timeliness, used?

(4) Capability of researchers (10 percent): Do PIs clearly document past scientific collaborations with operational meteorologists? Have past interactions been successful? Are researchers likely to maintain effective and consistent interactions with operational forecasts throughout the course of the proposed research program? Have researchers demonstrated the ability to conduct successful research?

(5) Cost Effectiveness (10 percent): Do researchers demonstrate the ability to leverage other resources? Is there a high ratio of operationally useful results versus proposed costs?

Selection Procedures

All proposals will be evaluated and individually ranked in accordance with the assigned weights of the above evaluation criteria by an independent peer panel review. Three to seven NWS experts representing NWS Regions and Centers and non-Federal experts may be used in this process. Their recommendations and evaluations will be considered, along with the program policy factors discussed below, by the selecting official who will select the proposals to be funded and determine

the amount of funds available for each proposal. Unsatisfactory performance by a recipient under prior Federal awards may result in an application not being considered for funding. Because the selecting official will take into account program policy factors, awards may not necessarily be made to the highest scored proposals.

Program Policy Factors

In deciding which applications are to be funded, the Selecting Official will choose at least one award which addresses Southern Region science needs and at least one award which addresses Western Region science needs. Further, the selecting official may take into account the need to spread awards geographically and among universities. While a university may submit more than one application, the selecting official may limit the awards to only one per university. Finally, the amount of funds available and whether an application substantially duplicates other projects currently approved for funding or funded by NOAA or other Federal agencies may be considered by the Selecting Official.

Proposal Submission

Proposals must adhere to the five provisions under ''Proposals'' and the seven requirements under ''Required Elements'' by the deadline of April 14, 2000. Failure to follow these restrictions will result in proposals being returned to the submitter without review. In addition, applicants should note those provisions under ''Other Requirements/Information'' that must be complied with before an award can be made.

Proposals

(1) Proposals submitted to the NOAA NWS CSTAR Program must include the original and two unbound copies of the proposal.

(2) Investigators are not required to submit more than three copies of the proposal. Investigators are encouraged to submit sufficient proposal copies for the full review process if they wish all reviewers to receive color, unusually sized (not 8.5x11), or otherwise unusual materials submitted as part of the proposal. Only an original version of the federally required forms and two copies are needed.

(3) Proposals should be no more than 30 pages (numbered) in length, including budget, investigators vitae, and all appendices and should be limited to funding requests for 1- to 3-year duration. Appended information should be counted within the 30-page total. Federally mandated forms are not included within the page count.

(4) Proposals should be sent to the NWS (see **ADDRESSES**).

(5) Facsimile transmissions and electronic mail submission of full proposals will not be accepted.

Required Elements

All proposals should include the following elements:

(1) Signed title page. The title page should be signed by the PIs and the institutional representative and should clearly indicate which project area is being addressed. The PIs and institutional representative should be identified by full name, title, organization, telephone number, and address. The total amount of Federal funds being requested should be listed for each budget period.

(2) Abstract. An abstract must be included and should contain an introduction of the problem, rationale, and a brief summary of work to be completed. The abstract should appear on a separate page, headed with the proposal title, institution's investigators, total proposed cost, and budget period.

(3) Results from prior research. The results of related projects supported by NOAA and other agencies should be described, including their relation to the currently proposed work. Reference to each prior research award should included the title, agency, award number, PIs, period of award, and total award. The section should be a brief summary and should not exceed two pages total.

(4) Statement of work. The proposed project must be completely described, including identification of the problem; scientific objectives; proposed methodology; relevance to the priorities of the NWS Region or NCEP service center; operational applicability; scientific merit; proposed technology transfer; past collaborations with operational hydrometeorologists; cost effectiveness of research; and the program priorities listed above. Benefits of the proposed project to the general public and the scientific community should be discussed. A year-by-year summary of proposed work must be included. The statement of work, including references but excluding figures and other visual materials, must not exceed 15 pages of text. In general, proposals from three or more investigators may include a statement of work containing up to 15 pages of overall project description plus up to 5 additional pages for individual project descriptions.

(5) Budget. Applicants must submit a Standard Form 424 ''Application for Federal Assistance,'' including a detailed budget using the Standard Form 424a, ''Budget Information—Non-Construction Programs.'' The form is included in the standard NOAA application kit. The proposal must include total and annual budgets corresponding with the descriptions provided in the statement of work. Additional text to justify expenses should be included as necessary.

(6) Vitae. Abbreviated curriculum vitae are sought with each proposal. Reference lists should be limited to all publications in the last 3 years with up to five other relevant papers.

(7) Current and pending support. For each investigator, submit a list which includes project title, supporting agency with grant number, investigator months, dollar value, and duration. Requested values should be listed for pending support.

Other Requirements/Information

(1) Applicants may obtain a standard NOAA application kit from the NOAA Office of Grants Management. Primary applicant Certification: All primary applicants must submit a completed Form CD–511, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.'' Applicants are also hereby notified of the following:

(2) Nonprocurement Debarment and Suspension. Prospective participants (as defined at 15 CFR 26.105) are subject to 15 CFR part 26, ''Nonprocurement Debarment and Suspension,'' and the related section of the certification form described above applies to State and Local Governments, as applicable. Applications under this program are not subject to E.O. 12372, ''Intergovernmental Review of Federal Programs.''

(3) All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal whether any key individuals associated with the applicant have been convicted of, or are presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management, honesty, or financial integrity.

(4) A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

(5) No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

(a) The delinquent account is paid in full,

(b) A negotiated repayment schedule is established and at least one payment is received, or

(c) Other arrangements satisfactory to DOC.

(6) Buy American-Made Equipment or Products. Applicants who are authorized to purchase equipment or products with funding provided under this program are encouraged to purchase American-made equipment and products to the maximum extent feasible.

(7) The total dollar amount of the indirect costs proposed in an application under this program must not exceed the indirect cost rate negotiated and approved by a cognizant Federal agency prior to the proposed effective date of the award.

(8) Federal Policies and Procedures. Recipients and subrecipients are subject to all Federal laws and Federal and DOC policies, regulations, and procedures applicable to Federal financial assistance awards.

(9) Pre-award Activities. If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of DOC to cover pre-award costs.

(10) Drug-Free Workplace. Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government-wide Requirements for Drug-Free Workplace (Grants),'' and the related section of the certification form prescribed above applies.

(11) Anti-Lobbying. Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000.

(12) Anti Lobbying Disclosures. Any applicant that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR Part 28, Appendix B.

(13) Lower Tier Certifications. Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier-covered transactions at any tier under the award to submit, if applicable, a completed Form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities.'' Form CD–512 is intended for the use of recipients and should not be transmitted to DOC. SF–LLL submitted by any tier recipient or subrecipient should be submitted to DOC in accordance with instructions contained in the award document. If an application is selected for funding, the DOC has no obligation to provide any additional future funding in connection with the award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of the DOC.

In accordance with Federal statutes and regulations, no person on grounds of race, color, age, sex, national origin, or disability shall be excluded from participation in, denied benefits of, or subjected to discrimination under any program or activity receiving financial assistance from the NOAA/NWS. The NOAA/NWS does not have a direct telephonic device for the deaf (TDD capabilities can be reached through the State of Maryland-supplied TDD contact number, 800–735–2258, between the hours of 8 a.m.–4:30 p.m.

Paperwork Reduction Act

This notice contains collection-of-information requirements subject to the Paperwork Reduction Act. The standard forms have been approved by the Office of Management and Budget pursuant to the Paperwork Reduction Act under OMB approval number 0348–0043, 0348–0044, and 0348–0046. Notwithstanding any other provision of law, no person is required to respond to nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number.

Executive Order 12866

This notice has been determined to be not significant for purposes of E.O. 12866.

Authority: 15 U.S.C. 313; 49 U.S.C. 44720(b); 33 U.S.C. 883d, 883e; 15 U.S.C. 2904; 15 U.S.C. 2931 et seq. (CFDA No. 11.468)—Applied Meteorological Research.

Dated: January 3, 2000.

John E. Jones, Jr.,

Deputy Assistant Administrator for Weather Services.

[FR Doc. 00–1517 Filed 1–20–00; 8:45 am]

BILLING CODE 3510–KE–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 991027289–9289–01]

RIN 0651–AB09

Revised Interim Utility Examination Guidelines; Request for Comments; Correction

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice and request for public comments; correction.

SUMMARY: The Patent and Trademark Office (PTO) published a document in the **Federal Register** of December 21, 1999, concerning request for comments on Revised Interim Utility Examination Guidelines. The word ''interim'' was inadvertently omitted from the document Subject Heading and text. In addition, an extra period divided the second sentence of the Summary caption into fragments. This document corrects the omissions of ''interim'' and removes the extra period.

FOR FURTHER INFORMATION CONTACT: Mark Nagumo by telephone at (703) 305–8666, by facsimile at (703) 305–9373, by electronic mail at ''mark.nagumo@uspto.gov,'' or by mail marked to his attention addressed to the Commissioner of Patents and Trademarks, Box 8, Washington, DC 20231; or Linda Therkorn by telephone at (703) 305–9323, by facsimile at (703) 305–8825, by electronic mail at ''linda.therkorn@uspto.gov,'' or by mail marked to her attention addressed to Box Comments, Assistant Commissioner of Patents and Trademarks, Washington, DC 20231.

Correction

In the **Federal Register** of December 21, 1999, in FR Doc. 99–33054, make the following corrections:

On page 71440, in the second column, correct the ''Subject Heading'' to read:

Revised Interim Utility Examination Guidelines; Request for Comments

On page 71440, in the third column, correct the ''Summary'' caption to read:

SUMMARY: The Patent and Trademark Office (PTO) requests comments from any interested member of the public on the following Revised Interim Utility Examination Guidelines. The PTO is publishing a revised version of guidelines to be used by Office personnel in their review of patent applications for compliance with the utility requirement based on comments received in response to the Request for Comments on Interim Guidelines for

Examination of Patent Applications Under the 35 U.S.C. 112, ¶1 ''Written Description'' Requirement; Extension of Comment Period and Notice of Hearing. 63 Fed. Reg. 50887 (September 23, 1998). These Revised Interim Utility Guidelines will be used by PTO personnel in their review of patent applications for compliance with the ''utility'' requirement of 35 U.S.C. 101. This revision supersedes the Utility Examination Guidelines that were published at 60 Fed. Reg. 36263 (1995) and at 1177 O.G. 146 (1995).

On page 71440, in the third column, correct the ''Dates'' caption to read:

DATES: Written comments on the Revised Interim Utility Examination Guidelines will be accepted by the PTO until March 22, 2000.

On page 71440, in the third column, correct the first sentence of the ''Supplementary Information'' caption to read:

The PTO requests comments from any interested member of the public on the following Revised Interim Utility Examination Guidelines.

Dated: January 18, 2000.

Albin F. Drost,

Acting Solicitor.

[FR Doc. 00–1461 Filed 1–20–00; 8:45 am]

BILLING CODE 3510–16–U

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 22, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, N.W., Room 10235, New Executive Office Building, Washington, D.C. 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 14, 2000.

Joseph Schubart,

Acting Leader, Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision of a currently approved collection.

Title: Reference and Reporting Guide for Preparing State and Institutional Report on Teacher Quality and Preparation (JS).

Frequency: Annually.

Affected Public: Not-for-profit institutions; State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 123305.

Abstract: The Higher Education Act of 1998 calls for annual reports from states and institutions of higher education on the quality of teacher education and related matters (P.L. 105–244, Section 207; 20 USC 1027). The purpose of the reports is to provide greater accountability in the preparation of America's teaching force and to provide information and incentives for its improvement. Most institutions of higher education that have teacher preparation programs must report annually to their states on the performance of their program completers on teacher certification tests. States, in turn, must report test performance information, institution by institution, to the Secretary of Education, along with institutional rankings. They must also report on their requirements for licensing teachers, state standards, alternative routes to certification, waivers, and related items. A planning report from the states to the Secretary of Education is due by October 7, 2000. Annual reports from institutions are due to the states, beginning April 7, 2000; reports from the states are due annually to the Secretary, beginning October 7, 2001; the Secretary's report is due annually to Congress, beginning April 7, 2002.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346.

Questions regarding burden and/or the collection activity requirements should be directed to Schubart at (202) 708–9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–1327 Filed 1–20–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

SUMMARY: The Leader, Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before February 20, 2000.

ADDRESSES: Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Danny Werfel, Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address DWERFEL@OMB.EOP.GOV.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information

collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: January 14, 2000.

William E. Burrow,

Leader, Information Management Group, Office of the Chief Information Officer.

Office of Student Financial Assistance Programs

Type of Review: Revision of a currently approved collection.

Title: Fiscal Operations Report and Application to Participate (FISAP) in the Federal Perkins Loan, Federal Supplemental Educational Opportunity Grant, and Federal Work-Study Programs (JS).

Frequency: Annually.

Affected Public:

Not-for-profit institutions (primary).

Individuals or household.

State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 1.

Burden Hours: 25748.

Abstract: This application data will be used to compute the amount of funds needed by each institution during the 2001–2002 Award Year. The Fiscal Operations Report data will be used to assess program effectiveness, account for funds expended during the 1999–2000 academic year.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 5624, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO__IMG__Issues@ed.gov or faxed to 202–708–9346.

Questions regarding burden and/or the collection activity requirements should be directed to Joe Schubart at (202) 708–9266. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 00–1441 Filed 1–20–00; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

National Awards Program for Effective Teacher Preparation

AGENCY: Office of Educational Research and Improvement (OERI), Department of Education.

ACTION: Notice of proposed eligibility and selection criteria.

SUMMARY: The Assistant Secretary for OERI proposes eligibility and selection criteria to govern competitions under the National Awards Program for Effective Teacher Preparation for fiscal year (FY) 2000 and future fiscal years. Under these criteria, the awards program would recognize model programs that prepare elementary school teachers or secondary school mathematics teachers, and that lead to improved student learning.

DATES: We must receive your comments on or before March 6, 2000.

ADDRESSES: Address all comments about these proposed definitions and selection criteria to Sharon Horn, Office of Educational Research and Improvement, U.S. Department of Education, 555 New Jersey Avenue, NW., room 506E, Washington, DC 20208–5644. If you prefer to send your comments through the Internet, use the following address:
sharon__horn@ed.gov

You may also fax your comments to Sharon Horn at (202) 219–2198.

If you want to comment on the information collection requirements you must send your comments to the Office of Management and Budget at the address listed in the Paperwork Reduction Act section of this preamble. You may also send a copy of these comments to the Department representative named in this section.

FOR FURTHER INFORMATION CONTACT: Sharon Horn. Telephone: (202) 219–2203. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

SUPPLEMENTARY INFORMATION:

Invitation to Comment

We invite you to submit comments regarding these proposed eligibility and selection criteria.

We invite you to assist us in complying with the specific requirements of Executive Order 12866 and its overall requirement of reducing regulatory burden that might result from these proposed eligibility and selection criteria. Please let us know of any further opportunities we should take to reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about these proposed eligibility and selection criteria in room 506E, 555 New Jersey Avenue, NW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record

On request, we will supply an appropriate aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these proposed eligibility and selection criteria. If you want to schedule an appointment for this type of aid, you may call (202) 205–8113 or (202) 260–9895. If you use a TDD, you may call the Federal Information Relay Service at 1–800–877–8339.

General Information

Through this notice the Secretary proposes eligibility and selection criteria to govern applications for recognition that are submitted under the National Awards Program for Effective Teacher Preparation. The criteria established in this notice would be used to select award recipients in the program's initial year, FY 2000, and in subsequent fiscal years. The Secretary plans to publicly honor and recognize successful applicants.

This new program, which is being proposed as part of a continuing effort to honor excellence in education, is the result of an increased emphasis across the country on teacher quality and the well-established principle that high-quality K–12 teachers are critical to the

ability of children in our nation's schools to achieve to high standards. Yet, while few would question that any effort to improve student learning depends on better teaching in schools, we are proposing this program in an effort to highlight the relationship between student learning and the quality of the programs preparing our public school teachers. To this point, there has not existed a systematic way to identify entities that have successfully linked their programs for preparing teachers to improved student achievement at the K–12 level. Given the current emphasis on heightened academic standards for elementary and secondary students and the need for teachers to gain the knowledge and skills necessary to teach to those standards, we believe the time is right to focus attention on those teacher preparation programs that are particularly effective in preparing teachers who, in turn, are effective in helping students improve their learning.

We recognize that demonstrating the link between teacher preparation programs and the ability of program graduates to improve student learning is not an easy task. The difficulty involved, however, makes that link no less critical. We intend to select for awards no more than five pre-service teacher preparation programs that are on the leading edge in this effort. Our chief goal in recognizing these programs is to foster an understanding of how these noteworthy programs design their teacher preparation activities to increase K–12 student achievement and how their approaches can be replicated or built upon by other institutions that prepare teachers. For that reason, the criteria for selecting award recipients, as described in this notice, focus significantly on the ability of applicants to provide compelling evidence of effectiveness in preparing teachers who positively impact student learning.

The timeliness of this new awards program is also supported by the fact that institutions producing teachers, and the states that certify them, are increasingly coming under scrutiny as the public seeks higher standards and greater accountability for public schools and school teachers. The Department, as well as many States, is currently implementing new accountability measures and reporting requirements for States and for colleges and universities receiving Federal grants to support teacher training programs. Some institutions have already implemented accountability measures, while others have started to take steps to improve and to become accountable for the teachers they train. We hope that bringing attention to those teacher preparation programs that are effective in this area will serve to assist other programs in their efforts to improve their level of accountability.

In order to align the program with nation-wide efforts to improve achievement levels in math and reading, this awards program will focus, in its initial year, on programs that prepare elementary teachers (since elementary school teachers often teach both math and reading) and programs that prepare middle or high school mathematics teachers or both. Thus, to be selected for an award, applicants must be able to show that their graduates are effective in helping all students improve their learning in reading and mathematics at the elementary level or mathematics at the middle and high school level or both. By ''all students,'' we mean the diverse population of students that graduates of teacher education programs may encounter in the classroom or other educational setting, including regular and special education students, students from diverse backgrounds, and students with limited English proficiency. The selection process will also depend on the ability of applicants to demonstrate that their graduates have a depth of content knowledge in mathematics and reading or both, acquire general and content-specific pedagogical knowledge and skills, and develop skills to examine attitudes and beliefs about learners and the teaching profession.

The Secretary will announce the final eligibility and selection criteria in a notice in the **Federal Register**. We will determine the final eligibility and selection criteria after considering responses to this notice and other information available to the Department.

Note: This notice does not solicit applications. In any year in which the Assistant Secretary chooses to use these proposed eligibility and selection criteria, we invite applications through a notice in the **Federal Register**.

Proposed Eligibility, Application, and Selection Criteria

Eligible applicants:

Eligible applicants would be institutions in the States (including the District of Columbia, Puerto Rico, and the outlying areas) that prepare elementary teachers, or middle or high school mathematics teachers, for initial certification. Institutions of higher education as well as institutions that are not part of a college or university are eligible to apply. Since this program focuses on initial preparation of teachers, alternative certification programs are eligible, while in-service programs are not.

For purposes of this notice, a ''teacher preparation program'' refers to a defined set of experiences that, taken as a whole, prepares participants for initial (or alternative) certification to teach. Detailed instructions for applying for this award, including formatting instructions, are provided within the application package and must be followed to receive an award.

Application Content Requirements

Applicants would be free to develop their application in any way they choose as long as they comply with the requirements set out in the application package. In evaluating applications for the National Awards Program for Effective Teacher Preparation, reviewers will look to see whether the application, taken as a whole, demonstrates that the applicant's teacher preparation program leads to improved teacher effectiveness and increased student achievement at the K–12 level. In doing so, reviewers would be guided by the extent to which and how well applicants address the following components of the application, the most important of which would concern objective evidence of effectiveness under section C of the application.

Sections A, B and D of the application provide reviewers with information describing the teacher preparation program and its potential as a model. Reviewers will use the information in these three sections to determine the extent to which there is a logical connection between the various aspects of the program and the results achieved. In other words, they will check for consistency between the information provided in these sections and the applicant's claims of effectiveness under section C. In section C, applicants provide formative, summative and confirming evidence that their program is effective in preparing graduates who are able to help all K–12 students improve their learning in reading and mathematics at the elementary level or mathematics at the middle or high school level.

Where appropriate, the following proposed sections of the application include one or more questions that are designed to help applicants formulate their responses.

A. Background and Program Description

In this section, applicants would provide the mission statement and goals and objectives of their teacher preparation program and describe the components of their program.

In responding to this section, applicants would be encouraged to provide information about:

1. Recruitment policies for faculty and candidates.
2. Selection procedures for faculty and candidates.
3. Program structure (e.g., course and field experiences, support for preservice and novice teachers, mechanisms for monitoring participants' progress).
4. Resources that support the program.
5. Methods for collaboration between the program and K–12 schools.
6. Graduation or completion criteria and rates.
7. Job placement and retention rates of graduates.

B. Program's Criteria for Effectiveness

In this section, applicants would describe the principles, standards, or other criteria that the applicant uses to judge the effectiveness of its teacher preparation program.

(Note: Applications would not be evaluated against a given set of principles for all programs, but are expected to include relevant criteria for guiding program improvement and modifications).

In responding to this section, applicants should consider the following questions:

1. What are the criteria the program uses to evaluate its effectiveness?
2. How does the program ensure that program components such as courses and instructional practices are consistent with the evaluation criteria under Question 1?

C. Evidence of Effectiveness

In this section, applicants would provide three separate types of evidence that demonstrates the effectiveness of their teacher preparation program: formative, summative, and confirming evidence.

''Formative evidence'' refers to the use of data to make adjustments to the program throughout its various stages. These data are collected as participants (i.e., preservice teachers) move through the program.

''Summative evidence'' demonstrates that the program is effective in helping graduates acquire the necessary knowledge and skills to improve student learning. Summative evidence is collected as preservice teachers complete the program.

''Confirming evidence'' links teacher preparation and K–12 student learning by demonstrating that program graduates are effective in helping all K–12 students improve their learning. Confirming evidence is collected on graduates who are employed by schools or districts.

Applicants would supply a brief description for each evidence item submitted. This description must include information about the nature of the data, the methods used to collect the data, and a summary of the data analysis.

In responding to this section, applicants must consider the following questions:

1. What evidence is there that the program, as envisioned in section A, gathers data about the effectiveness of the various stages of the program and uses that data to make improvements to the program? (Formative evidence)
2. What evidence is there that the program is effective in helping graduates acquire the knowledge and skills needed to improve student learning for all K–12 students? (Summative evidence)

(Note: Summative evidence in this section should address graduates' content knowledge, pedagogical knowledge and skills, and skills to examine beliefs about learners and teaching as a profession.)

3. What evidence is there that the program's graduates are effective in helping all K–12 students improve their learning in reading and mathematics at the elementary level or mathematics at the middle or high school level? (Confirming evidence)

D. Implications for the Field

A major goal of the National Awards Program for Effective Teacher Preparation is to make information about successful programs available across the country to other programs that may be considering ways to improve their effectiveness. In this section, applicants would discuss the challenges they have faced and overcome in administering their teacher preparation program, as well as the resulting lessons they have learned.

In responding to this section, applicants should consider the following:

1. What is at least one significant challenge that the program encountered within the last five years and how was it overcome?

(Note: Since demonstrating the link between teacher preparation and K–12 student learning is a primary focus of the awards program, applicants should consider describing challenges related to this issue.)

2. What lessons that would benefit others have been learned about designing, implementing, or evaluating a program that prepares graduates who are effective in helping improve student learning for all K–12 students?
3. What program materials (e.g., videos, Web sites, course outlines, manuals, strategies, processes) are available that could benefit others?
4. How have or could you help others adapt the aspects of your program that contribute most to graduates' effectiveness with K–12 students?

Selection Criteria

Reviewers would evaluate the information provided in each application based on three criteria: rigor, sufficiency, and consistency. These criteria, and the performance levels applicable to each, are identified in the rubric shown in Figure 1. Reviewers would use this rubric as the review instrument to judge the quality of each application.

The Evidence of Effectiveness provided by an applicant under section C, the most critical portion of the application, would be evaluated on the basis of its rigor and sufficiency. The level of ''rigor'' applied to the evidence submitted would be determined by the extent to which the qualitative or quantitative data presented is found to be valid and reliable. The level of ''sufficiency'' applied to the evidence submitted would be determined by the adequacy and the extent of the data provided.

The application as a whole will be evaluated on the basis of its consistency. The level of ''consistency'' of the application would be based on the extent to which there is a logical link between various aspects of the program as described in Sections A, B and D of the application and the evidence of effectiveness provided under Section C. For example, if an applicant indicates in sections A, B, or D of its application that field experiences are important to the preparation of teachers, then the application should describe the variety of field experiences that are spread over the duration of the program and also include, for purposes of ''consistency,'' documentation of the effectiveness of these experiences.

The rubric in Figure 1 identifies a range of performance levels, from 1 to 4, that reviewers will use to judge the quality of an application with regard to the three criteria—rigor, sufficiency and consistency. Reviewers will assign a level of the rubric, 1 to 4, for each criterion based on their judgment of how well the information provided in the application matches the descriptions in the rubric of the relevant performance levels. Prior to reviewing applications, reviewers will receive extensive training in using the rubric to ensure inter-rater reliability.

FIGURE 1. RUBRIC FOR EVALUATING EVIDENCE OF EFFECTIVENESS

Performance levels	Selection criteria		
	Rigor	Sufficiency	Consistency
4	The evidence is highly credible. The data are valid and indicators are free of bias. Reliability is supported by multi-year data from several sources.	There are extensive data that support claims of effectiveness. The evidence includes data from multiple sources with multiple indicators.	Components of the program are consistent with the vision of the program. Program components are monitored to determine if they are being instituted as designed. There is a planned, logical link between the program components and the outcomes. The evidence supports the link between program components and program success. The consistencies support the credibility of the evidence.
3	The evidence is credible. Validity has been addressed for most of the data. There may be some questions of bias. Reliability is supported by two or more years of data from at least one data source.	There are adequate data to support the claims of effectiveness. There are multiple sources of evidence and multiple indicators for at least one source.	There are minor inconsistencies between the vision of the program and program components. Some components of program may not be monitored or there may be some inconsistencies between the evidence provided and the identified successful components of the program. The inconsistencies do not weaken the credibility of the evidence.
2	The evidence has limited credibility. The rigor is compromised by issues of bias or validity/reliability. There are no multi-year data from any source.	There are limited data to support the claims of effectiveness. The data are collected from only one or two sources. There are no multiple indicators for the data source(s).	There are several inconsistencies between the vision of the program and program components. There are significant inconsistencies between the evidence provided and the identified successful components of the program. The inconsistencies raise questions about the credibility of the evidence.
1	The evidence has little or no credibility. The rigor is significantly compromised by issues of bias. The data lack validity/reliability. There is no multi-year data. OR There is not enough information provided to determine rigor.	There are not enough data to support claims of effectiveness. There is only a single source of data.	There are numerous inconsistencies between the vision of the program and its components. The evidence provided is not linked to the components of the program that have been identified as contributing to the program's success. The inconsistencies raise significant questions about the credibility of the evidence.

Proposed Selection Procedures

Award recipients would be selected through a five-stage process.

Stage 1. During the first stage, applications would be initially screened by Department staff to determine whether the submitting party meets the eligibility requirements and whether the application contains all necessary information (including the three types of evidence required under section C) and meets the formatting requirements.

Stage 2. The second stage of review, to determine up to 10 semi-finalists, would be conducted by non-Departmental teams representing a broad range of teacher educators, practitioners (e.g., mathematicians, mathematics educators, K–12 teachers, reading specialists), and policymakers (e.g., superintendents, school board members, principals) who would evaluate the quality of the applications against the selection criteria and applicable performance levels.

Stage 3. In the third stage, non-Department expert teams (team members would differ from the reviewers involved in Stages 2) would conduct site visits to verify information presented in the semi-finalists' applications and, to the extent available, to collect additional information. These teams would draft site-visit reports of their findings.

Stage 4. During the fourth stage, a non-Departmental national awards panel (panel members will differ from the reviewers involved Stages 2 and 3) would review the semi-finalist applications and site visit reports. Panel members will then present final recommendations to the Department on which teacher preparation programs merit national recognition.

Stage 5. In the fifth and final stage, the Department will review data collected throughout the review process and select for national recognition up to 5 applications of the highest quality. The Secretary intends to publicly honor and recognize these awardees at a national ceremony in Washington, D.C.

Goals 2000: Educate America Act

The Goals 2000: Educate America Act (Goals 2000) focuses the Nation's education reform efforts on the eight National Education Goals and provides a framework for meeting them. Goals 2000 promotes new partnerships to strengthen schools and expands the Department's capacities for helping communities to exchange ideas and obtain information needed to achieve the goals.

These proposed eligibility and selection criteria would address the National Education Goal that the Nation's teaching force will have the content knowledge and teaching skills needed to instruct all American students for the next century.

Paperwork Reduction Act of 1995

This notice and the proposed application packet contains information collection requirements. Under the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Department of Education has submitted a copy of this notice and the application package to the Office of Management and Budget (OMB) for its review.

Collection of Information: National Awards Program for Effective Teacher Preparation.

Entities that prepare elementary teachers, or middle or high school mathematics teachers, for initial certification are eligible to apply for national recognition of the quality of their teacher preparation program. Information in the application would include:

(1) A description of the applicant's teacher preparation program in terms of its mission, goals, and components.

(2) The evaluation criteria used by the applicant's program.

(3) Available evidence to support the effectiveness of the applicant's program in preparing teachers to improve student learning at the K–12 level.

(4) Implications or lessons that the applicant's program can provide the field of teacher preparation.

Applications also would be limited in page number and have to meet basic formatting requirements. The Department would use this information to select the highest-quality applicants through a review of responses provided in the application and site visits that can confirm the accuracy of information contained in the application.

All information is to be collected once only from each applicant. Annual reporting and record keeping burden for this collection of information is estimated to average 50 hours for each response for 50 respondents, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. For the 10 applicants selected for site reviews, there will be an additional annual reporting and record keeping burden that is estimated to average 20 hours for each response. Thus, the total annual reporting and record keeping burden for this collection is estimated to be 2,700 hours.

If you want to comment on the information collection requirements, please send your comments to the Office of Information and Regulatory Affairs, OMB, room 10235, New Executive Office Building, Washington, DC 20503; Attention: Desk Officer for U.S. Department of Education. You may also send a copy of these comments to the Department representative named in the **ADDRESSES** section of this preamble.

We consider your comments on this proposed collection of information in—

- Deciding whether the proposed collection is necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collection of information contained in this notice of proposed eligibility and selection criteria between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, to ensure that OMB gives your comments full consideration, it is important that OMB receives the comments within 30 days of publication. This does not affect the deadline for your comments to us on the notice of proposed eligibility and selection criteria.

Intergovernmental Review

This program is subject to Executive Order 12372 and the regulations in 34 CFR Part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document is intended to provide early notification of our specific plans and actions for this program.

Program Authority: 20 U.S.C. 8001

Electronic Access to This Document

You may review this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:
http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Dated: January 18, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

[FR Doc. 00–1515 Filed 1–20–00; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF EDUCATION

Web-based Education Commission; Hearing and Meeting

AGENCY: Office of Postsecondary Education, Education.

ACTION: Notice of Hearing and Meeting.

SUMMARY: This notice announces the next hearing and meeting of the Web-based Education Commission. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend this hearing and meeting.

DATE: The hearing and meeting will be held on February 2, 2000, from 1–5 p.m. and February 3, 2000, from 9–12 p.m.

LOCATION: The hearing and meeting will be held in room 106 of the Dirksen Senate Office Building, Washington, DC 20510.

FOR FURTHER INFORMATION CONTACT: David S. Byer, Executive Director, Web-based Education Commission, U.S. Department of Education, 1990 K Street, NW, Washington, DC 20006–8533. Telephone: (202) 502–7561. Fax: (202) 502–7873. Email: *david_X*byer@ed.gov.

SUPPLEMENTARY INFORMATION: The Web-based Education Commission is authorized by Title VIII, Part J of the Higher Education Act Amendments of 1998, as amended by the Fiscal 2000 Appropriations Act for the Departments of Labor, Health, and Human Services, and Education, and Related Agencies. The Commission is required to conduct a thorough study to assess the critical pedagogical and policy issues affecting the creation and use of web-based and other technology-mediated content and learning strategies to transform and

improve teaching and achievement at the K–12 and postsecondary education levels. The Commission must issue a final report to the President and the Congress, not later than 12 months after the first meeting of the commission, which occurred November 16–17, 1999. The final report will contain a detailed statement of the Commission's findings and conclusions, as well as recommendations.

The purpose of the February 2–3 hearing and meeting is to begin the Commission's investigation and approve a detailed mission and plan. On both February 2 and 3, the Commission will hear from government and public witnesses on the potential for web-based and other technology-mediated content to transform and improve teaching and learning at the K–12 and postsecondary education levels, as well as the regulatory and institutional barriers to this transformation. On February 3, the Commission will also meet to approve its mission and plan for the year.

The hearing and meeting are open to the general public. Records are kept of all Commission proceeding and are available for public inspection at the office of the Web-Based Education Commission, Room 8091, 1990 K Street, NW, Washington, DC 20006–8533 from the hours of 9 a.m. to 5:30 p.m. The meeting site is accessible to individuals with disabilities. An individual with a disability who will need an auxiliary aid or service to participate in the meeting (e.g., interpreting services, assisted listening device or materials in an alternate format) should notify the contact person listed in this notice at least two weeks before the scheduled meeting date. Although the Department will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

Dated: January 13, 2000.

A. Lee Fritschler,

Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 00–1455 Filed 1–20–00; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

[Docket No. EA–171–A]

Application to Export Electric Energy; British Columbia Power Exchange Corporation

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: British Columbia Power Exchange Corporation (Powerex) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

DATES: Comments, protests or requests to intervene must be submitted on or before February 22, 2000.

ADDRESSES: Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE–27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585–0350 (FAX 202–287–5736).

FOR FURTHER INFORMATION CONTACT: Rosalind Carter (Program Office) 202–586-7983 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: On February 25, 1998, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–171 authorizing Powerex to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization will expire on February 25, 2000.

On January 11, 2000, Powerex filed an application with FE for renewal of the export authority contained in Order No. EA–171. Powerex has requested that authorization be issued for a five year term and that the international transmission facilities of Long Sault, Inc. be added to the list of authorized export points.

Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Powerex request to export to Canada should be clearly marked with Docket EA–171–A. Additional copies are to be filed directly with Mr. Douglas Little, Vice President, Trade Policy & Development, British Columbia Power Exchange Corporation, 666 Burrard Street, Suite 1400, Vancouver, British Columbia, Canada V6C 2X8, and Paul W. Fox, Esq., Bracewell & Patterson, L.L.P., 111 Congress Avenue, Suite 2300, Austin, Texas 78701 and Tracey L. Bradley, Energy Regulatory Consultant, Bracewell & Patterson, L.L.P., 2000 K Street, N.W., Suite 500, Washington, DC 20006.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been granted in FE Order No. EA–171. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA–171 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at http://www.fe.doe.gov. Upon reaching the Fossil Energy Home page, select ''Regulatory Programs,'' then ''Electricity Regulation,'' and then ''Pending Proceedings'' from the options menus.

Issued in Washington, D.C., on January 14, 2000.

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. 00–1497 Filed 1–20–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Idaho High-level Waste and Facilities Disposition Draft Environment Impact Statement

AGENCY: U.S. Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the availability of the Idaho High-level Waste and Facilities Disposition Draft Environmental Impact Statement (EIS) for public review and comment. This Draft EIS has been prepared in accordance with the requirements of the National Environment Policy Act of 1969 as amended (NEPA) (42 U.S.C. 4321 *et seq.*); Council on Environmental Quality regulations implementing NEPA, 40

CFR Parts 1500–1508; and DOE NEPA Implementing Procedures, 10 CFR Part 1021. The State of Idaho is a Cooperating Agency in the preparation of this Draft EIS and will continue to be involved in the review and preparation of the Final EIS.

This Draft EIS evaluates five waste processing alternatives and six facilities disposition alternatives for high-level radioactive (HLW) waste and liquid mixed transuranic waste stored at DOE's Idaho National Engineering and Environmental Laboratory (INEEL). Currently, there are approximately 4,200 cubic meters of HLW stored in bins as a dry granular calcine and approximately 1.4 million gallons of liquid mixed transuranic waste stored in underground tanks.

Neither DOE nor the State of Idaho has identified a preferred alternative. After considering information in this Draft EIS and other relevant information, DOE and the State will enter into discussions concerning the preferred alternative. If DOE and the State reached agreement, the Final EIS will identify the agreed-upon preferred alternative; if not, the Final EIS will set forth both the State's and DOE's respective choices for the preferred alternative.

The public is invited to comment on the Draft EIS during a 60-day public comment period, which starts on the date of this Notice and ends on March 20, 2000. All comments received during the public comment period will be considered in preparing the Final EIS. Late comments will be considered to the extent practicable.

ADDRESSES: Requests for information about this Draft EIS should be directed to: Thomas L. Wichmann, NEPA Document Manager, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, MS 1108, Idaho Falls, ID 83401–1563, (208) 526–0535.

Copies of the document can be requested by telephone at 1–888–918–5100.

Written comments on the Draft EIS can be mailed to Thomas L. Wichmann, NEPA Document Manager, U.S. Department of Energy, Idaho Operations Office, 850 Energy Drive, MS 1108, Idaho Falls, ID 83401–1563, Attention: Public Comments, Idaho, HLW & FD EIS, or submitted by fax to: 208–526–1184, or submitted electronically to: http://www.jason.com/hlwfdeis.

Oral comments on the Draft EIS will be accepted only during the public hearings scheduled for the dates and locations provided in the **DATES** section of this Notice.

For information on the DOE National Environmental Policy Act process, contact: Carol M. Borgstrom, Director, Office of NEPA Policy and Assistance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, DC 20585, (202) 586–4600 or leave a message at 1–800–472–2756.

Copies of the Draft EIS and supporting technical reports are available for review at the addresses listed in the ''Availability of the Draft EIS'' section of this Notice.

DATES: The public is invited to submit written and/or oral comments on the Draft EIS. Comments may also be submitted electronically to http://www.jason.com/hlwfdeis. Example topics on which DOE welcomes comments include: the technical adequacy of the document; what additional alternatives/options should be analyzed; which alternatives/options DOE should select upon completion of the document; and what criteria DOE should use in making these selections. DOE's responses to all comments received during the public comment period will be presented in the Final EIS. The comment period on this Draft EIS begins on the date of this Notice and ends on March 20, 2000. Comments postmarked after that date will be considered to the extent practicable. DOE expects to issue the Final EIS in mid-2000.

DOE will hold a series of 7 public hearings according to the schedule below. The session format will provide for collection of written and oral comments and will enable the public to discuss issues and concerns with DOE managers. Participants who wish to present oral comments at the hearings are asked to registger in advance by calling the toll-free number: 1–888–918–5100. Requests to speak that have not been submitted prior to the hearings will be handled in the order in which they are received during the hearings.

SCHEDULE OF PUBLIC HEARINGS

Cities	Dates	Meeting times	Meeting locations
Idaho Falls, ID	February 7, 2000	7:00 pm	Shilo Inn.
Pocatello, ID	February 8, 2000	6:00 pm	Idaho State University Student Union.
Jackson, WY	February 9, 2000	6:00 pm	Snow King Lodge.
Twin Falls, ID	February 15, 2000	6:00 pm	College of Southern ID Taylor Building.
Boise, ID	February 17, 2000	6:00 pm	The Grove Hotel.
Portland, OR	February 22, 2000	6:00 pm	Doubletree Lloyd Center.
Pasco, WA	February 24, 2000	6:00 pm	Doubletree Pasco Hotel.

Open house will be held one hour prior to meeting times.

SUPPLEMENTARY INFORMATION:

Background

From 1952 to 1991, DOE and its predecessor agencies reprocessed spent nuclear reactor fuel at the Idaho Chemical Processing Plant, located on the Snake River Plain in the desert of Southeast Idaho. This facility, now known as the Idaho Nuclear Technology Engineering Center (INTEC), is part of the INEEL nuclear research complex that has served the nation through both peaceful and defense-related missions.

Reprocessing operations at INTEC produced mixed HLW (*i.e.,* HLW containing hazardous characteristics or components that are regulated under the Resource Conservation and Recovery Act) HLW from the first extraction cycle of the operation. Subsequent treatment processes and decontamination activities generated liquid mixed transuranic waste. This waste is much less radioactive than the mixed HLW.

All of the liquid mixed HLW was converted to calcine (a dry granular substance) over several years. This conversion was completed in 1998. Stored in large, robust bin sets, the mixed HLW calcine is a more stable waste form that poses less environmental risk than liquid radioactive waste stored in underground tanks. However, the mixed HLW calcine does not meet planned HLW disposal repository waste acceptance criteria, and further treatment would be necessary to convert the mixed HLW calcine to a form that would be acceptable for disposal in such a repository. At present, approximately 4,200 cubic meters of mixed HLW calcine is stored in the bin sets.

Since spent nuclear fuel reprocessing was discontinued in 1991, DOE has continued to accumulate liquid mixed transuranic waste in underground tanks from decontamination and other ongoing operations. At present, approximately 1.4 million gallons of liquid mixed transuranic waste is stored in eleven underground tanks.

In a 1995 Settlement Agreement, DOE and the State of Idaho agreed that the underground tanks would be emptied down to the residual heels by 2012, and that by a target date of 2035, all of the mixed HWL would be treated and made ready for shipment out of Idaho. DOE intends to continue to manage these wastes according to regulatory requirements, in a manner that helps to ensure the protection of human health and the environment.

To meet its commitments and objectives, DOE needs to decide:

- How to treat INTEC mixed HLW so that it can be transported out of Idaho to a storage facility or repository.
- How to treat and where to dispose of other radioactive wastes that are associated with the HLW management program at INTEC.
- How to close associated HWL-related facilities.

On September 19, 1997, DOE issued a Notice of Intent (62 FR 49209) to prepare the *Idaho High-level Waste and Facilities Disposition Environmental Impact Statement*. The public scoping period announced in the Notice of Intent extended from September 19, 1997, to November 24, 1997. During this period, DOE held public scoping workshops in Idaho Falls and Boise, Idaho. DOE also sponsored open houses, set up and staffed booths and displays at shopping malls throughout southern Idaho, made presentations to schools and civic groups, and provided individual briefings to government and Tribal officials, local interest groups, site employees, and the INEEL Citizens Advisory Board. DOE received more than 900 comments during the public scoping period and used these comments to refine the proposed action and the alternatives. The proposed action and alternatives analyzed in this Draft EIS are described in the following two sections.

Proposed Action

DOE has identified the following proposed actions to support the needed decisions.

- Develop appropriate technologies and construct facilities necessary to manage INTEC mixed HLW and mixed liquid transuranic waste.
- Treat the mixed HLW calcine so that it will be suitable for disposal in a repository.
- Treat and dispose of the sodium-bearing, liquid mixed transuranic waste.
- Provide for the disposition of the INTEC HLW management facilities when their missions are completed.

Alternatives Analyzed

DOE analyzed the potential impacts of implementing five waste processing and six facilities disposition alternatives over the period 2000 through 2095. Each alternative has a specific time line for implementation and completion. For residual contamination or waste disposal, DOE analyzed potential impacts over 10,000 years.

Waste Processing Alternatives address HLW treatment technologies, pretreatment requirements for the liquid mixed transuranic waste, and storage and disposal options for treated wastes. These alternatives are listed and briefly described below.

- *No Action Alternative*—This alternative serves as a basis for comparing other alternatives. DOE would not continue to calcine liquid mixed transuranic waste, but would continue to reduce the volume of this waste via evaporation until all of the available underground tanks are full. The liquid mixed transuranic waste would remain in the tanks indefinitely, and the mixed HLW calcine would remain in the bins indefinitely. Maintenance to protect workers and the environment would continue, but there would be no major upgrades.
- *Continued Current Operations Alternative*—The calcining facility would be upgraded and would continue processing the liquid mixed transuranic wastes to empty the underground tanks to material left in the tanks after initial reprocessing. Residual material in the tanks would be treated; transuranic waste would be shipped to the Waste Isolation Pilot Plant for disposal, and low-level waste would be grouted for disposal at INEEL. The mixed HLW calcine would remain in the bin sets indefinitely.
- *Separations Alternative*—Three options were analyzed for chemically separating the waste into fractions that would be disposed of according to their waste classification. These options are as follows.

The *Full Separations Option* would retrieve and dissolve the mixed HLW calcine from the bin sets and would chemically separate the most highly radioactive and long-lived radiosotopes from both mixed HLW calcine and the liquid mixed transuranic waste. The most highly radioactive wastes would be prepared for disposal in a HLW repository. The process stream remaining, after separating out the mixed HLW fraction, would be managed as mixed low-level waste, suitable for disposal in a near-surface landfill at INEEL or an offsite disposal facility.

The *Planning Basis Option* reflects previously announced DOE decisions and agreements with the State of Idaho regarding the management of mixed HLW and liquid mixed transuranic waste. This option is similar to the Full Separations Option except that, prior to separation, the liquid mixed tansuranic waste would be calcined and stored in the bin sets along with the mixed HLW. Under this option, the low-level waste fraction would be grouted for disposal offsite.

The *Transuranic Separations Option* would retrieve and dissolve the mixed HLW calcine and chemically treat the dissolved calcine and the liquid mixed transuranic waste, including the residual material remaining in the tanks. This treatment process would result in waste streams that could be managed as transuranic waste and as low-level waste. A HLW fraction would not result. The transuranic waste would be packaged and shipped to the Waste Isolation Plant for disposal, and the low-level waste would be grouted for disposal at INEEL or at an offsite disposal facility.

- *Non-Separations Alternative*—The mixed HLW and liquid mixed transuranic waste would be processed into immobilized forms. Transuranic waste generated as a result of these processes would be packaged and shipped to the Waste Isolation Pilot Plant for disposal, and low-level wastes would be grouted for disposal in a near-surface landfill at INEEL or offsite. These treatment options are as follows.

The Hot Isostatic Waste Option would calcine the liquid mixed transuranic waste and add the calcine to the mixed HLW calcine in the bin sets. All calcine would then be retrieved and converted to an impervious, glass-ceramic waste form. Implementing this option would require a determination from the U.S. Environmental Protection Agency that the final form of the HLW would be suitable for disposal in a HLW repository.

The Direct Cement Waste Option is similar to the Hot Isostatic Waste Option except that all of the calcine would be converted to a cement-like solid. Implementing this option would require a determination from the U.S. Environmental Protection Agency that the final form of the HLW would be suitable for disposal in a HLW repository.

The Early Vitrification Option would directly process both the mixed HLW calcine and the liquid mixed transuranic waste into a glass-like solid. The resulting HLW glass would be suitable for disposal in a repository; the mixed transuranic waste would be shipped to the Waste Isolation Pilot Plant.

• Minimum INEEL Processing Alternative—The mixed HLW calcine would be retrieved, packaged for transportation, and shipped to DOE's Hanford Site in Richland, WA. The calcine would be separated into high-radioactivity and low-radioactivity fractions. The high-radioactivity fraction would be processed to a glass form suitable for disposal in a repository and either shipped directly to an offsite facility or returned to INEEL to await shipment to a HLW repository. Likewise, the low-radioactivity fraction would be prepared for disposal in a near-surface landfill at INEEL or an offsite facility.

Facilities Disposition Alternatives were developed and analyzed to address the final risk component of the proposed actions and close HLW treatment and associated management facilities when their missions are completed. These alternatives are listed and briefly described below.

• No Action Alternative—DOE would not close its HLW facilities at INEEL, but would maintain the facilities to ensure the safety and health of workers and the public until 2095. After that time, for purposes of analysis, DOE assumed that institutional controls such as surveillance and maintenance would not continue.

• Clean Closure Alternative—All of the hazardous wastes and radiological contaminants, including contaminated equipment, would be removed from the facility or treated so that any remaining hazardous and radiological contaminants would be indistinguishable from background concentrations.

• Performance-based Closure Alternative—Closure methods would be determined on a case-by-case basis, depending on risk, in accordance with risk-based criteria. Most above-ground structures would be razed and most underground structures would be decontaminated and left in place. Any remaining facilities would be decontaminated to comply with applicable requirements for protecting the health of workers and the public.

• Closure to Landfill Standards Alternative—Facilities would be closed in accordance with State of Idaho and Federal requirements specified in regulations for closure of landfills.

• Performance-based Closure with Class A Grout Alternative—Facilities would be closed as described for the Performance-based Closure alternative, except that the tanks or bin sets would be used to dispose of Class A Type low-level waste.

• Performance-based Closure with Class C Grout Alternative—Facilities would be closed as described for the Performance-based Closure alternative, except that the tanks or bin sets would be used to dispose of Class C Type low-level waste.

Preferred Alternative

Neither DOE nor the State of Idaho has identified a preferred alternative for either the waste processing or the facilities disposition alternatives. After considering information in this Draft EIS, including public comments and other relevant information, DOE and the State will enter into discussions concerning the preferred alternative. If DOE and the State reach agreement, the Final EIS will identify the agreed-upon preferred alternative; if not, the Final EIS will set forth both the State's and DOE's respective choices for the preferred alternatives.

Availability of the Draft EIS

Copies of this Draft EIS have been distributed to Federal, State, and local officials, as well as agencies, organizations and individuals who may be interested or affected. This Draft EIS is available on the Internet at: http://tis.eh.doe.gov/nepa/docs/docs.htm. Additional copies can be requested by telephone at 1–888–918–5100. Copies of the Draft EIS and supporting technical reports are also available for public review at the locations listed below.

In December 1999, the National Research Council issued a study that DOE had requested of the technical options for treating high-level waste at the Idaho National Engineering and Environmental Laboratory. Copies of the study, entitled *Alternative High-level Waste Treatments at the Idaho National Engineering and Environmental Laboratory,* are also available at the locations listed below. DOE will consider the study and all comments received during the public comment period in preparing the Final EIS.

Colorado

U.S. Department of Energy, Rocky Flats Operations Office, Public Reading Room, Front Range College Library, 3705 112th Avenue, Westminister, CO 80030, Telephone: (303) 469–4435

Idaho

Boise Outreach Office, INEEL-Boise City National Bank, 895 West Idaho Street, Boise, ID 83706, Telephone: (208) 334–9572

Boise Public Library, 715 Capital Boulevard, Boise, ID 83706, Telephone: (208) 384–4023

Boise State University Library, Albertson Library, 1910 University Drive, Boise, ID 83705, Telephone: (208) 426–3903

Shoshone-Bannock Library, Bannock and Pima Streets, P.O. Box 306, Fort Hall, ID 83203, Telephone: (208) 238–3882

INEEL Technical Library, DOE Public Reading Room, 2525 N. Fremont Place, University Place, Idaho Falls, ID 83402, Telephone: (208) 526–9162

Idaho Falls Public Library, 457 Broadway, Idaho Falls, ID 83402, Telephone: (208) 529–1450

Lewis-Clark State College, The Library, 500 8th Ave., Lewiston, ID 83501, Telephone: (208) 799–5272

University of Idaho Library, Rayburn Street, Moscow, ID 83844, Telephone: (208) 885–6344

Idaho State University Public Library, 741 South 7th Ave., Pocatello, ID 83209, Telephone: (208) 236–3152

Twin Falls Public Library, 434 2nd Street East, Twin Falls, ID 83301, (208) 733–2964

Montana

Mansfield Library, Government Documents Collection, University of Montana, Missoula, MT 59812, Telephone: (406) 243–6860

Nevada

U.S. Department of Energy, Nevada Operations Office, Public Reading Room, 2621 Losee Rd., B–3 Building, North Las Vegas, NV 89030, Telephone: (702) 295–0731

New Mexico

US DOE Public Document Collection, University of New Mexico Government Information Department, Zimmerman Library, Albuquerque, NM 87131, Telephone: (505) 277–5441

Oregon

U.S. Department of Energy, Bonneville Power Administration Reading Room, 905 Northeast 11th Avenue, Portland, OR 97232, Telephone: (503) 725–4617

Utah

Marriott Library, Public Document Collection, University of Utah, 295 S. 1500 East, Salt Lake City, UT 84112, Telephone: (801) 581–8394

Washington

U.S. Department of Energy, Richland Operations Office, Washington State University, WSU Tri-Cities Branch Campus, 100 Sprout Road, Richlands, WA 99352, Telephone: (509) 376–8583

Wyoming

Teton County Public Library, 125 Virginian Lane, Jackson, WY 83001, Telephone: (307) 733–2164

Wyoming State Library, Government Documents Collection, 2301 Capitol Avenue, Cheyenne, WY 82002, Telephone: (307) 777–6333

District of Columbia

DOE Forrestal Building, Freedom of Information Reading Room, 1000 Independence Ave., SW, Washington, DC 20585, Telephone: (202) 586–6020

Issued in Washington, DC, January 14, 2000.

Mark W. Frei,

Deputy Assistant Secretary for Project Completion, Environmental Management.

[FR Doc. 00–1494 Filed 1–20–00; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Chicago Operations Office; Office of Industrial Technologies

Notice of Solicitation for Financial Assistance Applications for Cooperative Research and Development for Advanced Materials in Advanced Industrial Gas Turbines

AGENCY: Chicago Operations Office, DOE.

ACTION: Notice of solicitation availability.

SUMMARY: The Department of Energy (DOE) announces its interest in receiving applications for federal assistance. The purpose of this research is to advance the state of development of one or more advanced material system(s) for integration into Advanced Industrial Gas Turbine Systems used in power generation service. In order to reach this goal, development, subsystem testing, and demonstration of optimized and fully integrated components comprising advanced material system(s) must be performed.

DATES: The solicitation document will be available on or about December 17, 1999. Applications are due on or about February 4, 2000. Awards are anticipated by June 1, 2000.

ADDRESSES: The solicitation will be available on the internet by accessing the DOE Chicago Operations Office Acquisition and Assistance Group home page at *http://www.ch.doe.gov/business/acq.htm* under the heading ''Current Solicitations'', Solicitation No. DE–SC02–00CH11005. Completed applications referencing Solicitation No. DE–SC02–00CH11005 must be submitted to the U.S. Department of Energy, Chicago Operations Office, Communications Center, Building 201, Room 168, 9800 South Cass Avenue, Argonne, IL 60439–4899, ATTN: Roberta D. Schroeder, Acquisition and Assistance Group.

FOR FURTHER INFORMATION CONTACT: Roberta D. Schroeder at 630/252–2708, U.S. Department of Energy, 9800 South Cass Avenue, Argonne, IL 60439–4899, by facsimile at 630/252–5045, or by electronic mail at *roberta.schroeder@ch.doe.gov.*

SUPPLEMENTARY INFORMATION: The Scope of Work covers applied research and pre-commercial demonstration in five work areas as described below as Tasks 1, 2, 3, 4 and 5. In addition to these tasks the Scope of Work includes Subtasks A and B. Subtask A will require the participant to provide a report covering the potential technical market and technical/economic barriers. Subtask B will require the participant to provide a commercialization plan for advanced industrial turbines utilizing advanced material system(s).

The Tasks represent an increasing progression of maturation stages for technology development. Tasks 1 and 2 involve research, design, and development of advanced materials systems, Tasks 3 and 4 involve technology systems development including gas-turbine modifications, and Task 5 involves pre-commercial demonstration. Depending on the current maturation of proposed technologies, the work may start at any task if prior work has been performed that would satisfy completion or sufficient progress of the previous task(s). For example, an applicant with an innovative concept but limited development experience for that concept may decide to apply only under Task 1—whereas applicants with more developed concepts may elect to bypass the initial tasks. Applications may address any combination or portions of the tasks. While it is not mandatory for applications to address only sequentially numbered tasks (*e.g.,* applying under Tasks 1, 3 and 4 is allowable), there must be a logical sequence of the tasks to be performed based on the nature of the work to be performed.

The ultimate maturation of technologies will be reached upon the attainment of the solicitation objectives in a pre-commercial demonstration of 8,000 hours (Task 5). Although it is the intention of this solicitation to support development of advanced material systems that will so culminate, there also is relevancy in gaining a better understanding of the advanced materials systems and their impact on gas turbines. In such a case, development of a completed commercial system may not be feasible. For example, development may end prior to the maturation state of Task 5, or Task 5 may be scheduled to complete less than the 8,000 hours (but more than 4,000 hours as discussed below) identified in the solicitation as a goal for commercialization. Regardless of the tasks proposed, applications will raise the maturation level of the concept relative to the solicitation objectives.

Insofar as Subtask A and B are concerned, all participants will complete the program and planning report required by Subtask A, which will become a subtask of the lowest numbered Task proposed. Additionally, participants performing work under Tasks 3, 4 and/or 5 will complete the commercialization plan required by Subtask B as a part of the lowest numbered Task proposed that is equal to or greater than 3.

All work proposed to be performed under an application must be scheduled for completion within the three-year life expectancy of this program.

Under Tasks 1 and 2 that follow, the work may be performed with respect to test devices or turbines that could serve as a logical and cost effective intermediate basis for developing technologies for advanced material systems. However, any such technology developed under Tasks 1 and 2 must have applicability to advanced industrial gas turbines.

Under Tasks 3, 4 and 5 that follow, all work must be performed with respect to advanced industrial gas turbines (including test devices suitable to characterize aspects of advanced industrial gas turbines), and the demonstration required under Task 5 must be performed on an advanced industrial gas turbine(s). In performing this work, one or more such turbines may be used.

Work under all tasks requires the participation of material processors at any level (applicant or sub-applicant) with sufficient responsibility to accomplish the work proposed. Work under all tasks also will be enhanced by the participation of an end user. For these tasks, this solicitation encourages the coordination of technical and administrative activities with an end

user. Long-term demonstration under Task 5 must be conducted at a host site that is committed by the end user. We encourage the demonstration to be conducted at an Industry of the Future Company.

Task 1—The starting point of this task shall be, as a minimum, a technological concept(s) of an advanced material system(s) with prior experimental evidence of its potential for meeting the solicitation objectives. The participant will identify the form, function, and fit of all components necessary to execute the proposed technology. The participant also will develop preliminary component designs compatible with the properties of the advanced material system(s). The preliminary component designs will consider ease of manufacture and insertion and function of the component in the turbine. Testing on preliminary articles may be done at a scale suitable to confirm the design parameters that were used and to give qualitative and quantitative indications that the components will perform as planned.

Task 2—The participant will complete detailed designs of the selected system components. The design process will include the optimization and cost reduction of the processing, fabrication, and integration of the selected components into a viable turbine system. The components will be manufactured and the sub-system will be assembled. Development and testing will be done to verify and optimize the overall approach, to provide operating and control parameters during manufacture and use, and to provide full-scale definition such as allowable turbine operating ranges, sensitivity to fuel variability, and other factors affecting the performance and competitiveness of the turbine system.

Task 3—The design of an advanced industrial gas turbine will be adapted in parallel to component development to assure compatibility, optimum fit, and functionality. The work under this task will integrate hardware, controls, and operating procedures for startup, steady operation over the advanced industrial gas turbine's usual power range (for example 50% to 100% of rated output), planned changes (such as anticipated shutdown or transitions of operating load), and unexpected changes in power output (such as lost load) and determining energy efficiency and emissions.

Task 4—The applicant shall design and fabricate a complete advanced industrial gas turbine system that utilizes the components developed under Task 2 or elsewhere. The components shall exhibit the form, function, and fit compatible with the modified advanced industrial gas turbine developed either under Task 3 or elsewhere. The applicant shall prove, either by subsystem rig testing or by demonstrating on an advanced industrial gas turbine, the ability of the subsystem components to perform as planned. Such testing shall include those sensors and controllers needed to maintain testing over the design operating range of the turbine. Test results shall include relationships among performance, efficiency, emissions, temperatures, and all other relevant parameters that quantify and qualify the system for commercial delivery. The proof testing shall be based on natural gas fuel or any other fuel with a viable market presence in the Industries of the Future such as waste fuels and biomass. Also, the market may require dual fuel capabilities. Such dual fuel capabilities may be considered in the design.

The completion of Task 4 would result in the assembly of an advanced industrial gas turbine that incorporates components completed under this task or elsewhere. The advanced industrial gas turbine shall be ready for insertion into a commercial package that is suitable for shipment, installation, and demonstration in the field under Task 5.

Task 5—A host site(s) will be selected for demonstration of the advanced industrial gas turbine qualified either by the completion of Task 4 or elsewhere. The participant will integrate the advanced industrial gas turbine with the balance of plant equipment such as a generator that is compatible with the needs of a specific host site(s). The completion of Task 5 would result in an 8000-hour demonstration of an advanced industrial gas turbine that can be reasonably expected to meet project objectives. At a minimum, the demonstration shall comprise 4000 hours of operation with natural gas fuel at a host site that is compatible with an operating rate of at least 4000 hours per annum.

The applicant shall complete a coordinated plan for the demonstration that incorporates the perspectives of all relevant parties, including the host site. The plan will also assign responsibilities on all matters necessary to execute the demonstration plan, such as business arrangements, balance of plant equipment, site construction, site integration, periodic inspections of hardware, visitations of third parties, data acquisition at the host site to verify expected benefits, and obtainment of environmental, construction, operating, and other permits.

In support of the Office of Industrial Technologies and the nation's industries, it is preferred that the demonstration be conducted at an Industry of the Future company. If it is not feasible to conduct the demonstration at an Industry of the Future company or if there are valid reasons to do the demonstration elsewhere, a host site other than Industry of the Future company may be considered. Host sites comprising buildings or natural gas and electric utility sites may be relevant to programs of the Office of Energy Efficiency and Renewable Energy, Office of Building and Community Systems and the Office of Power Technologies respectively. In such cases, every possible effort will be made to coordinate such demonstrations with these offices.

The demonstration shall be representative of significant market segments of the distributed power generation industry. As a result, the successful demonstration at the host site will be expected to exemplify the resolution of the typical barriers (such as technical, environmental, industry acceptance, and control issues related to the use of advanced material systems) that impede the widespread adoption of distributed generation. In this regard, all hours of operation accumulated under the demonstration shall be gained while generating electric power. Additionally, all such hours of operation shall be accumulated while the host site is interconnected to the existing local utility transmission and distribution grid that exists for the routine transmission and distribution of electric power. Accordingly, the balance of plant equipment shall be sufficient to generate and condition such electric power, and all hardware shall be provided for interconnection, transmission, and distribution on the local utility grid. (The sole use of isolation switches shall not be sufficient to meet this requirement.)

Subtask A—Subtask A is required for any applicant selected for award and is to be performed in conjunction with the lowest numbered task proposed. The completed report must be received within 90 days of award of the cooperative agreement and will be submitted in accordance with topical report requirements.

With emphasis on the Industries of the Future but not excluding other applications, the report will further define completed distributed generation and combined heat and power systems likely to be available at the successful completion of this project. The participant will identify and quantify the potential technical markets for such

systems. In areas such as energy efficiency, performance, cost, and emissions, the participant will provide detailed rationale that supports these projections. All barriers such as the lack of uniform code standards that will impact on the technical market will be identified. However, any such barriers that are out of the control of the participant shall be deemed not to impact on the projected technical market.

Subtask B—Subtask B is required for any applicant selected for award who proposed on Tasks 3, 4, and/or 5 and is to be performed in conjunction with the lowest numbered task proposed. The completed report must be received within 180 days of initiation of the lowest numbered Task (3–5) proposed. This report will be submitted in accordance with topical report requirements.

The main impetus for this work is the commercial implementation of efficient, clean, and cost effective advanced industrial gas turbines with advanced material systems that are deployed in distributed generation and combined heat and power system(s). It is essential that a commercialization plan support the proposed advanced material systems and achieve the goals of this solicitation. Participants doing work under Tasks 3, 4, or 5 shall complete commercialization plans and strategies for all relevant functions in the commercialization process such as cost-effective manufacturing, marketing, production volumes, and support for the participant's advanced industrial gas turbine system. The commercialization plan will emphasize market applications in the Industries of the Future.

As applicants may apply under one or more of the five tasks within the solicitation Scope of Work, there is a wide range in the number of potential awards and award values. DOE expects to award one (1) to five (5) cooperative agreements under this solicitation. It is estimated that individual awards will range in value between approximately $300,000.00 and $1,500,000.00 of DOE funding and will require awardee cost sharing. A minimum non-federal cost sharing commitment of 30% of the cost for Tasks 1 and 2, 45% of the costs for Tasks 3 and 4, and 60% of the costs for Task 5 is required.

Estimated DOE funding is $6 million over the three-year period. DOE reserves the right to fund in whole or in part, any, all, or none of the applications submitted in response to this solicitation. All awards are subject to the availability of funds.

Any non-profit or for-profit organization or other institution of higher education, or non-federal agency or entity is eligible to apply, unless otherwise restricted by the Simpson-Craig Amendment. In addition, applicants must satisfy the requirements of the Energy Policy Act in order to be eligible for award. DOE National Laboratory participation as a subcontractor is limited to no more than 30% of the cost of any individual task to be performed.

Issued in Argonne, Illinois on January 4, 2000.

John D. Greenwood,

Acquisition and Assistance Group, Group Manager.

[FR Doc. 00–1495 Filed 1–20–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration, DOE.

ACTION: Agency information collection activities: Proposed collection; comment request.

SUMMARY: The Energy Information Administration (EIA) is soliciting comments on the proposed changes and extension to Form NWPA–830G, ''Standard Remittance Advice for Payment of Fees.''

DATES: Written comments must be submitted on or before March 21, 2000. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to Jim Finucane, Office of Coal, Nuclear, Electric and Alternate Fuels, EI–52, Forrestal Building, U.S. Department of Energy, Washington, D.C. 20585–0650. Alternatively, Mr. Finucane may be reached by phone at 202–426–1960, by e-mail jim.finucane@eia.doe.gov, or by FAX 202–426–1280.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Mr. Finucane at the address listed above.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. No. 93–275, 15 U.S.C. 761 *et seq.*) and the Department of Energy Organization Act (Pub. L. No. 95–91), 42 U.S.C. 7101 *et seq.*) require the Energy Information Administration (EIA) to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) of the collections under Section 3507(h) of the Paperwork Reduction Act of 1995.

The Form NWPA–830G is designed to be the service document for entries into the Department of Energy's accounting records. Electric utilities transmit data concerning payment of their contribution to the Nuclear Waste Fund, and specific data on disposal of nuclear waste.

II. Current Actions

This action is an extension with a minor change proposed to the existing collection. In keeping with its mandated responsibilities, EIA proposes to extend the information collection aspects of NWPA–830G, ''Standard Remittance Advice for Payment of Fees'' for three years from the current approved OMB expiration date (07/31/00).

Proposed change:

Where to Submit: The address is unchanged for the signed copy of the data form; however, the data in electronic form may now be submitted as an attachment to an E-mail addressed to:

RAPS@EIA.DOE.GOV

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The

following guidelines are provided to assist in the preparation of comments.

General Issues

A. Are the proposed collections of information necessary for the proper performance of the functions of the agency? Does the information have practical utility? (Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.)

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a potential respondent:

A. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

B. Can information be submitted by the due date?

C. The estimated burden on each respondent on Form NWPA–830G and Annex A is an average of 1 hour per response (with one response per quarter, four times per year.) Burden includes the total time, effort, or financial resources expended to generate, maintain, retain, disclose and provide the information, above what would be required for efficient management. Please comment on the accuracy of the estimate.

D. The agency estimates that the only costs to the respondents are for the time it will take them to complete the collection. Please comment if respondents will incur start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with this information collection.

E. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

F. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

As a Potential User

A. Is the information useful at the levels of detail indicated on the form?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of the form. They also will become a matter of public record.

Statutory Authority: Section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, D.C., on January 14, 2000.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 00–1496 Filed 1–20–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL00–34–000]

ExxonMobil Chemical Company and ExxonMobil Refining & Supply Company v. Entergy Gulf States, Inc.; Notice of Complaint

January 14, 2000.

Take notice that on January 13, 2000, ExxonMobil Chemical Company and ExxonMobil Refining & Supply Company (together ExxonMobil) submitted for filing a complaint against Entergy Gulf States, Inc. (Entergy) for interpreting its Open Access Transmission Tariff (OATT) inconsistently with Order No. 888 and to the disadvantage of a qualifying cogeneration facility (QF) in contravention of the Public Utility Regulatory Policies Act of 1978, as amended. ExxonMobil requests that the Commission order Entergy to interpret its OATT consistent with Order No. 888 and consider all substations through which ExxonMobil's QF power is received to be a single point of receipt on Entergy's system.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before February 2, 2000. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before February 2, 2000.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–1433 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–162–000]

Panhandle Eastern Pipe Line Company; Notice of Proposed Changes in FERC Gas Tariff

January 14, 2000.

Take notice that on January 10, 2000, Panhandle Eastern Pipe Line Company (Panhandle) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A attached to the filing, to be effective February 10, 2000.

Panhandle states that the purpose of this filing, made in accordance with the provisions of Section 154.202 of the Commission's Regulations, is to implement Rate Schedule HFT for Hourly Firm Transportation service pursuant to Panhandle's blanket certificate authorization under Section 284.221 of the Commission's Regulations. Rate Schedule HFT is designed to serve the needs of electric generation customers and other shippers that require greater delivery flexibility within the gas day than other rate schedules provide.

Panhandle 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, 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. 00–1432 Filed 1–20–00;8:45am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2964–006, Michigan]

City of Sturgis; Notice of Availability of Draft Environmental Assessment

January 14, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission's) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for relicensing of the Sturgis Hydroelectric Project, located on the St. Joseph River in St. Joseph County, Michigan, and has prepared a draft Environmental Assessment (DEA) for the project. In the DEA, the Commission's staff has analyzed the potential environmental impacts of the existing project and has concluded that approval of the project, with appropriate environmental protection measures, would not constitute a major federal action significantly affecting the quality of the human environment.

Copies of the DEA are available for review in the Public Reference Branch, Room 2–A, of the Commission's offices at 888 First Street, NE, Washington, DC 20426. The DEA also may be viewed on the web at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Any comments should be filed within 45 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Room 1–A, Washington, DC 20426. Please affix ''Sturgis Hydroelectric Project No. 2964–006'' to all comments. For further information, please contact Patrick Murphy at 202–219–2659.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–1431 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1984–069 Wisconsin]

Wisconsin River Power Company; Notice of Availability of Environmental Assessment

January 14, 2000.

An environmental assessment (EA) is available for public review. The EA analyzes the environmental impacts of Wisconsin River Power Company's application to sell 2,380 acres of project lands along with four recreation sites to the Wisconsin Department of Natural Resources (WDNR). All lands are part of the Castle Rock/Petenwell Hydroelectric Project located on the Wisconsin and Yellow Rivers in Adams, Juneau and Woods Counties, Wisconsin. The WDNR proposes to use these lands to expand its Buckhorn State Park and Wildlife Area. The EA was written by the WDNR and adopted by commission staff (with modifications) in the Office of Hydropower Licensing, Federal Energy Regulatory Commission. Commission staff's modifications are contained in our order approving the application issued December 22, 1999.

Copies of our order and the EA are available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The order and EA may also be viewed on the web at *www.ferc.fed.us/online/rims.htm.* Call (202) 208–2222 for assistance.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–1430 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. CP99–624–000]

Wyoming Interstate Company, Ltd.; Notice of Availability of the Environmental Assessment for the Proposed Medicine Bow Lateral Phase II Project

January 14, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the natural gas pipeline facilities proposed by Wyoming Interstate Company, Ltd. (WIC) in the above-referenced docket. The proposed project would include the construction and operation of approximately 5.6 miles of 24-inch-diameter pipeline, add 7,170 horsepower (hp) of compression to an existing compressor station, and a new check meter at an existing compressor station.

The EA was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that approval of the proposed project, with appropriate mitigating measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

WIC proposed to build a new pipeline and compression facilities to increase the transportation capacity of its existing Medicine Bow Lateral in Colorado and Wyoming. The new facilities would enable WIC to transport an additional 120,000 Dekatherms per day (Dth/d) of natural gas from the Powder River Basin.

The EA assesses the potential environmental effects of the construction and operation of the following proposed natural gas transmission facilities:

- about 5.6 miles of 24-inch-diameter pipeline in Weld County, Colorado;
- one 7,170-hp compressor unit at WIC's existing Douglas Compressor Station in Converse County, Wyoming; and
- one check meter at WIC's existing Cheyenne Compressor Station in Weld County, Colorado.

The EA has been placed in the public files of the FERC. A limited number of copies of the EA are available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208–1371.

Copies of the EA have been mailed to Federal, state and local agencies, public interest groups, interested individuals, newspapers, and parties to this proceeding.

Any person wishing to comment on the EA may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send two copies of your comments to: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of the Environmental

Review and Compliance Branch, PR–11.1;

• Reference Docket No. CP99–624–000; and

• Mail your comments so that they will be received in Washington, DC on or before February 14, 2000.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

The date for filing timely motions to intervene in this proceeding has passed. Therefore, parties now seeking to file late interventions must show good cause, as required by section 385.214(b)(3), why this time limitation should be waived. Environmental issues have been viewed as good cause for late intervention. You do not need intervenor status to have your comments considered.

Additional information about the proposed project is available from Paul McKee in the Commission's Office of External Affairs, at (202) 208–1088 or on the FERC Internet website (www.ferc.fed.us) using the ''RIMS'' link to information in this docket number. Click on the ''RIMS'' link, select ''Docket #'' from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208–2222. Similarly, the ''CIPS'' link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings. From the FERC Internet website, click on the ''CIPS'' link, select ''Docket #'' from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208–2474.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–1427 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 14, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No.:* 271–058.

c. *Date Filed:* December 21, 1999.

d. *Applicant:* Entergy Arkansas, Inc.

e. *Name of Project:* Carpenter-Remmel.

f. *Location:* The Carpenter-Remmel Project is located on the Ouachita River in Hot Springs and Garland Counties, Arkansas. This project does not utilize Federal or Tribal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Bobby Pharr, Entergy Arkansas, Inc., Highway 270 West, P.O. Box 218 Jones Mill, AR 72105 telephone (501) 620–5674.

i. *FERC Contact:* Any questions on this notice should be addressed to Jon Cofrancesco at *Jon.Cofrancesco@ferc.fed.us* or telephone 202–219–0079.

j. *Deadline for filing comments and or motions:* February 19, 2000.

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.

Please include the project number (271–058) on any comments or motions filed.

k. *Description of Project:* Entergy Arkansas Inc., licensee for the Carpenter-Remmel Project, requests Commission authorization to permit Diamond Lakes Development to replace its existing marina facilities (Diamondhead Marina) with new marina facilities (Lighthouse Cove marina). Like the existing facilities, the new marina facilities would be located at and serve the Diamondhead Community Development on the project's Lake Catherine. The proposed facilities include four floating covered boat docks with a total of 24 slips; four stationary, open boat docks with a total of 60 slips; one floating fuel dock with a convenience store; and a boat ramp. The applicant also plans to construct a swim beach and picnic area and restroom facilities on the adjoining lands outside the project boundary (307′ contour line).

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

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. 00–1428 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

January 14, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Non-Project Use of Project Lands and Waters.

b. *Project No.:* 1951–071.

c. *Date Filed:* December 10, 1999.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Sinclair.

f. *Location:* The Sinclair Project is located on the Oconee river in Putnam, Hancock, and Baldwin Counties, Georgia. This project does not utilize Tribal lands. This project utilizes lands within the Oconee National Forest.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Larry J. Wall, Georgia Power Company, 241 Ralph McGill Boulevard NE, Atlanta Georgia 30308-3374 telephone (404) 506-2054.

i. *FERC Contact:* Any questions on this notice should be addressed to Jon Cofrancesco at *Jon. Cofrancesco@ferc.fed.us* or telephone 202-219-0079.

j. *Deadline for filing comments and or motions:* February 18, 2000.

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.

Please include the project number (1951-071) on any comments or motions filed.

k. *Description of Project:* Georgia Power Company, licensee for the Sinclair Project, requests Commission authorization to permit Mr. Scott Jackson to construct and operate commercial dock facilities on the shoreline of Lake Sinclair's Beaver Dam Creek adjacent to the U.S. 441 bridge. The proposed facilities include three open boat docks with 24 slips that can accommodate up to approximately 46 watercraft; a fuel dock; a concrete boat ramp; and concrete boat drop. The proposed facilities are part of a planned commercial facility located on the adjoining lands outside the project boundary (the 343′ contour line). The commercial facility includes a dry boat storage building, a parking lot, and a gasoline station with a convenience store.

l. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at www.ferc.fed.us. Call (202) 208-2222 for assistance. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

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. 0000–1429 Filed 100–2000–00; 8:45 am]

BILLING CODE 671700–0100–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Regulations Governing Off-the-Record Communications; Public Notice

January 14, 2000.

This constitutes notice, in accordance with 18 CFR 385.2201(h), of the receipt of exempt and prohibited off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive an exempt or a prohibited off-the-record communication relevant to the merits of a contested on-the-record proceeding, to deliver a copy of the communication, if written, or a summary of the substance of any oral communication, to the Secretary.

Prohibited communications will be included in a public, non-decisional file associated with, but not part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication, and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such requests only when it determines that fairness so requires.

Exempt off-the-record communications will be included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of exempt and prohibited off-the-record communications received in the Office of the Secretary within the preceding 14 days. The documents may be viewed on the Internet at http://www.ferc.fed.us/

online/rims.htm (call 202–208–2222 for assistance).

Exempt

1. Project No. 696—12/3/99—Kit T. Mullen.
2. Project No. 420–009—12/22/99—Steven Pennoyer.
3. Project No. 2336–041—11/22/99—Jon Cofrancesco.
4. Project No. 10865—12/15/99—Jeffery R. Soth.
5. RM99–2–000, ER99–3144–000 and EC99–80–000—12/9/99—The Honorable Dennis J. Kucinich.
6. CP00–6–000—12/15/99—Jo Lewis.
7. CP99–44–000—12/22/99—Wayne Daltry.
8. CP00–6–000—12/17/99—C.B. Shirey.
9. Project Nos. 1975, 2061, 2777 and 2778—12/1/99—John Blair.
10. CP00–14–000, CP00–15–000 and CP00–16–000—1/3/00—Kim Jessen.
11. Project No. 2609–013—12/16/99—Tom Dean.
12. Project No. 2609–013—1/6/00—Tom Dean.
13. CP00–14–000—1/9/00—Mary Mosley.
14. Project No. 420–009—12/30/99—Pamela Bergmann.
15. Project No. 10865–001—12/22/99—Timothy Ballew, Sr.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 00–1426 Filed 1–20–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6526–5]

Agency Information Collection Activities: Proposed Collection; Comment Request; ICRs Planned To Be Submitted

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following seven continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB). Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections as described at the beginning of Supplementary Information.

DATES: Comments must be submitted on or before March 21, 2000.

ADDRESSES: U.S. Environmental Protection Agency,1200 Pennsylvania Avenue, NW, Mail Code 2223A, Washington, DC 20460. A hard copy of an ICR may be obtained without charge by calling the identified information contact individual for each ICR in Section B of the Supplementary Information.

FOR FURTHER INFORMATION CONTACT: For specific information on the individual ICRs see Section B of the Supplementary Information.

SUPPLEMENTARY INFORMATION:

For All ICRs

An Agency may not conduct or sponsor, and a person is not required to respond to, an information collection unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are displayed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information;

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

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information. In general, the required information consists of emissions data and other information deemed not to be private. However, any information submitted to the Agency for which a claim of confidentiality is made will be safeguarded according to the Agency policies set forth in Title 40, Chapter 1, part 2, subpart B—Confidentiality of Business Information (see 40 CFR part 2; 41 FR 36902, September 1, 1976; amended by 43 FR 39999, September 8, 1978; 43 FR 42251, September 28, 1978; 44 FR 17674, March 23, 1979).

A. List of ICRs Planned To Be Submitted.

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following seven continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB):

(1) NSPS subparts T, U, V, W, X; New Source Performance Standards (NSPS) for Phosphate Fertilizers, EPA ICR Number 1081, and OMB Control Number 2060–0037, expiration date June 30, 2000.

(2) NSPS subparts AA & AAa, New Source Performance Standards (NSPS) for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels; Subparts AA and AAa; EPA ICR No. 1060.09 and OMB No. 2060–0038; expiration date May 31, 2000.

(3) NSPS subpart MM, New Source Performance Standards (NSPS) for Automobile and Light Duty Truck Surface Coating Operations, EPA ICR Number 1064, and OMB Control Number 2060–0032, expiration date June 30, 2000.

(4) NSPS subpart TTT, New Source Performance Standards (NSPS) for Surface Coating of Plastic Parts for Business Machines; EPA ICR #1093.06, OMB No. 2060–162, expiration date May 31, 2000.

(5) MACT subparts AA & BB, National Emissions Standards for Hazardous Air Pollutants-Phosphoric Acid Manufacturing and Phosphate Fertilizers Production EPA # 1790.02, OMB# 2060–0361, expiration date June 30, 2000.

(6) MACT subpart LL, Recordkeeping and Reporting Requirements for Primary Aluminum Reduction Plants, EPA ICR No. 1767, OMB Control No. 2060–0360, expiration date May 31, 2000.

(7) MACT subpart NNN, Wool Fiberglass Insulation Manufacturing; EPA ICR No. 1795, OMB Control No. 2060–0359, expiration date May 31, 2000.

B. Contact Individuals for ICRs

(1) NSPS subparts T, U, V, W, X; New Source Performance Standards (NSPS) for Phosphate Fertilizers, Stephen Howie at, (202) 564–4146 or via e-mail

to howie.stephen@epa.gov. EPA ICR Number 1081, and OMB Control Number 2060–0037, expiration date June 30, 2000;

(2) NSPS subparts AA & AAa, New Source Performance Standards (NSPS) for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels; Subparts AA and AAa; Maria Malave at (202) 564–7027 or via e-mail to malave.maria@epamail.epa.gov, EPA ICR No. 1060.09, OMB No. 2060–0038, expiration date is May 31, 2000.

(3) NSPS subpart MM, New Source Performance Standards (NSPS) for Automobile and Light Duty Truck Surface Coating Operations, Anthony Raia at (202) 564–6045, or via e-mail to raia.anthony@epa.gov, EPA ICR. No. 1064, OMB Control No. 2060–0032, expiring June 30, 2000.

(4) NSPS subpart TTT, New Source Performance Standards (NSPS) for Surface Coating of Plastic Parts for Business Machines; Anthony Raia at (202) 564–6045 or via e-mail to raia.anthony@epamail.epa.gov, EPA ICR No. 1093.06, OMB No. 2060–0162, expires on May 31, 2000.

(5) MACT subparts AA & BB, National Emissions Standards for Hazardous Air Pollutants-Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, Stephen Howie, at (202) 564–4146 or via e-mail at howie.stephen@.epa.gov., EPA# 1790.02, OMB# 2060–0361, expiration date June 30, 2000.

(6) MACT subpart LL, Record keeping and Reporting Requirements for Primary Aluminum Reduction Plants, Deborah Thomas at (202)564–5041 or via e-mail at thomas.deborah@epa.gov, EPA ICR No. 1767, OMB Control No. 2060–0360, expiration date is May 31, 2000.

(7) MACT subpart NNN, Wool Fiberglass Insulation Manufacturing; Gregory Fried at (202)564–7016 or via e-mail at fried.gregory@epa.gov, EPA ICR No. 1795, OMB Control No. 2060–0359, expiring May 31, 2000.

C. Individual ICRs

(1) NSPS Subparts T, U, V, W, X; New Source Performance Standards (NSPS) for Phosphate Fertilizers, EPA ICR Number 1081, and OMB Control Number 2060–0037, Expiration Date June 30, 2000

Affected entities: These standards apply to each wet phosphoric acid plant, each super phosphoric acid plant, each granular diammonium phosphate plant, and each triple superphosphate plant, having a design capacity of more than 15 tons of equivalent phosphorous pentoxide (P_2O_5) feed per calendar day. These standards also apply to granular triple superphosphate storage facilities. Specific affected facilities for each subpart are found at 40 CFR 60.200, 60.210, 60.220, 60.230 and 60.240.

Abstract: The Administrator has judged that fluoride emissions from the phosphate fertilizer industry cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Phosphate fertilizer plant and phosphate bearing feed owners/operators of phosphate fertilizer plants must notify EPA of construction, modification, start-ups, shutdowns, malfunctions, and dates and results of the initial performance test. Owners/operators must install, calibrate, and maintain monitoring devices to continuously measure/record pressure drop across scrubbers.

Record keeping shall consist of: the occurrence and duration of all startups and malfunctions as described; initial performance tests results; amount of phosphate feed material; equivalent calculated amounts of P_2O_5, and pressure drops across scrubber systems. Startups, shutdowns and malfunctions must be recorded as they occur. Performance test records must contain information necessary to determine conditions of performance test and performance test measurements. Equivalent P_2O_5 stored or amount of feed must be recorded daily. The Continuous Monitoring System shall record pressure drop across scrubbers continuously and automatically.

Reporting shall include: initial notifications; and initial performance test results. In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and record keeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 87.5 hours per response. There are 11 respondents/affected entities that report annually for an estimated total annual hour burden of 963 hours.

(2) NSPS Subparts AA & AAa, New Source Performance Standards (NSPS) for Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels; EPA ICR No. 1060.09 and OMB No. 2060–0038; Expiration Date is May 31, 2000

Affected Entities: Entities potentially affected by this action are those owners or operators of electric arc furnaces and dust handling systems in steel plants that produce carbon, alloy, or specialty steels; and commenced construction, modification, or reconstruction after the date of proposal (i.e., October 21, 1974), and for subpart AAa on or before August 17, 1983.

Abstract: Owners or operators of the affected facilities described make the following one-time only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; and the notification of the date of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Recordkeeping and reporting requirements specific to steel plants subject to NSPS subpart AA and AAa include the initial notifications, and recording of all measurements required under the monitoring sections. Owners or operators of electric arc furnaces controlled by a direct shell evacuation system are required to install and maintain a continuous monitoring device that continuously records pressure inside the EAF, and records 15 minute integrated averages. Prior notification it is required for the procedure used for determining compliance when emissions are combined with facilities that are not subject. The results of the performance tests including all requirements specified in sections 60.275, 60.276(c), 60.275a, and 60.276(f) must be reported.

Semiannual reports of unacceptable operation of the affected facilities, and semiannual reports of exceedance of control device opacity are also required. Unacceptable operation is considered to be operation at a furnace with static pressures that exceed the values established at sections 60.274(f) and 60.274a(g), or operation of the control system fan motor at values ±15% of the values established under the performance test, or operation at flow rates lower than those established in the performance test. Exceedance of opacity are defined as all 6-minute periods during which the average opacity is greater than the standard. In general, excess emission reports must include the magnitude of excess emissions; conversion factors used; the date and time of commencement and completion of each excess emission time period; identification of excess emissions

during startups, shutdowns, and malfunctions; the nature and cause of the malfunction (if known) and corrective measures taken; and identification of the time period during which the continuous monitoring system was inoperative (this does not include zero and span checks nor typical repairs or adjustments).

Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the file for at least two years following the date of such measurements, maintenance reports, and records.

All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Notifications are used to inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the pollution control devices are properly installed and operated and the standards are being met. Performance test reports are needed as these are the Agency's records of a source initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved.

The Administrator may require owners and operators subject to section 111 of the Clean Air Act (CAA) are required to comply with record keeping and reporting requirements, as specified in section 114(a) of CAA.

In order to ensure compliance with these standards, adequate recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

Burden Statement: The type of industry costs associated with the information collection activity in the standards are labor costs and equipment costs for continuous emission monitors. The average annual burden to industry over the past three years for these record keeping and reporting requirements were estimated to be 34,082.3 person-hours. The average annual cost to industry over the past three years of the previously approved ICR was estimated to be $1,193,200. The total annualized capital/start-up costs is $48,600 since it is assumed that one additional source per year will become to the standard in the next three years. The total annualized capital/start-up costs is $48,600 (includes cost for a continuous opacity monitor; a volumetric flow rate monitor; and a pressure monitor). The total annual operation and maintenance cost is estimated to be $487,500 since there are 65 existing sources ($7,500 × 65 existing sources). It is assumed that annual operation and maintenance costs associated with other monitoring equipment are negligible. Therefore, the total annualized costs is $536,100.

(3) NSPS Subpart MM, New Source Performance Standards (NSPS) for Automobile and Light Duty Truck Surface Coating Operations, EPA ICR. No. 1064, OMB Control No. 2060–0032, Expires on June 30, 2000

Affected Entities: Entities potentially affected by this action are those owners or operators of automobile and light duty truck assembly plant lines: each prime coat operation, guide coat operation, and top coat operation commencing construction, modification or reconstruction after the proposal date (October 5, 1979).

Abstract: Owners or operators of the affected facilities described make the following one-time only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; and the notification of the date of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Record keeping requirements for automobile and light duty truck surface coating operations consist of keeping monthly records of exceedance of the volume-weighted average of VOCs emitted per volume of applied coating solids. When thermal or catalytic incineration is performed, the owner or operator shall keep records of each three hour period during which the incinerator temperature averaged more than 28 degrees centigrade below the temperature of the most recent performance test, and when the average temperature difference across the catalyst bed is less than 80% of the average temperature difference recorded during the most recent performance test. Daily records of this information shall be kept at the source for a period of two years.

Reporting requirements include a written report describing the results of the initial performance test. Affected sources are required to provide a written report to the Administrator every calendar quarter of each instance in which the VOC emissions exceed the emission limit, or semiannually if no such instances have occurred. Where compliance with the NSPS is achieved through the use of incineration, affected facilities must report instances where a discrepancy of greater than 28°C exists between the three-hour average temperature measurement and the average temperature during the most recent performance test at which the destruction efficiency was determined. For catalytic incinerators, every three-hour period shall be reported during which the average temperature immediately before the catalyst bed, when the coating system is operational, is more than 28°C less than the average temperature immediately before the catalyst bed during the most recent control device performance test at which destruction efficiency was determined. Every three hour period shall be reported each quarter during which the average temperature difference across the catalyst bed when the coating system is operational is less than 80% of the average temperature difference of the device during the most recent performance test at which destruction efficiency was determined. Affected sources are also required to notify the Administrator of the date of construction or reconstruction of an applicable facility, the anticipated date of initial startup, the actual date of initial startup, any physical or operational change to the facility, and 30 days prior to any test by Reference Method 25. Notification deadlines are listed at 40 CFR 60.7.

A written report must be furnished to the Administrator describing the results of the initial performance test. Thereafter, quarterly reports of noncompliance are required, and semiannual reports shall be made when the source is in compliance with the applicable emission limitations. All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office.

The Administrator may require owners and operators subject to section 111 of the Clean Air Act (CAA) are required to comply with recordkeeping and reporting requirements, as specified in section 114(a) of CAA. In order to ensure compliance with these standards, adequate record keeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

Burden Statement: The industry costs associated with the information collection activity in the standards are labor costs and recording equipment. The current number of sources are 42 with 3 new sources a year estimated (45 sources if averaged over the next 3 years). Temperature measurement devices must include a recording device and the cost of this equipment is estimated at $750 per facility (only required for new facilities since existing facilities already have the equipment) and the operation and maintenance is estimated at $1500. The annualized start up cost is $2,250. The labor estimates used were derived from standard estimates based on EPA's experience with other standards. The average annual burden to industry over the next three years from these record keeping and reporting requirements is estimated at 2,540.3 person-hours. The respondent costs have been calculated on the basis of $16.67 per hour plus 110 percent overhead. The average annual burden to industry over the next three years of the ICR is estimated to be $88,910.

(4) NSPS Subpart TTT, New Source Performance Standards (NSPS) for Surface Coating of Plastic Parts for Business Machines; EPA ICR #1093.06, OMB No. 2060–162, Expires on May 31, 2000

Affected Entities: Entities potentially affected by this standard are those owners or operators of spray booths in which plastic parts for business machines receive prime, color, texture, or touch-up coats, and for which construction, modification or reconstruction commenced after the proposal date.

Abstract: Owners or operators of the affected facilities described make the following one-time only reports: notification of the date of construction or reconstruction; notification of the anticipated and actual dates of startup; notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate; and the notification of the date of the initial performance test. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility. These notifications, reports and records are required, in general, of all sources subject to NSPS.

Record keeping requirements specific to the surface coating of plastic parts for business machines include the records of each monthly performance test.

A written report must be furnished to the Administrator describing the results of the initial performance test. Thereafter, quarterly reports of noncompliance are required, and semiannual reports shall be made when the source is in compliance with the applicable emission limitations.

All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Notifications are used to Inform the Agency or delegated authority when a source becomes subject to the standard. The reviewing authority may then inspect the source to check if the standards are being met. Performance test reports are needed as these are the Agency's records of a source initial capability to comply with the emission standard, and note the operating conditions under which compliance was achieved.

The Administrator may require owners and operators subject to section 111 of the Clean Air Act (CAA) are required to comply with record keeping and reporting requirements, as specified in section 114(a) of CAA.

In order to ensure compliance with these standards, adequate recordkeeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act.

Burden Statement: The only type of industry costs associated with the information collection activity in the standards are labor costs. The average annual burden to industry over the past three years for these record keeping and reporting requirements were estimated to be $29,444 person-hours. The average annual cost to industry over the past three years of the ICR was estimated to be $896,569.

(5) MACT Subparts AA & BB, National Emissions Standards for Hazardous Air Pollutants-Phosphoric Acid Manufacturing and Phosphate Fertilizers Production, EPA# 1790.02, OMB# 2060–0361, Expiration Date June 30, 2000

Affected entities: These standards apply to owners or operators of phosphoric acid manufacturing and phosphate fertilizers production facilities. Specific affected facilities for each subpart are found at 40 CFR 63.600 and 60.620.

Abstract: The Administrator has judged that hydrogen fluoride emissions from the phosphoric acid manufacturing and phosphate fertilizer industry cause or contribute to air pollution that may reasonably be anticipated to endanger public health or welfare. Owners/operators of affected phosphoric acid manufacturing and phosphate fertilizer production must submit one-time notifications (where applicable) and annual reports on performance test results. Plants must develop and implement a startup, shutdown, and malfunction plan and submit semiannual reports of any event where the plan was not followed. Semiannual reports for periods of operation during which the monitoring parameter boundaries established during the initial compliance test are exceeded (or reports certifying that no exceedances have occurred) also are required. General requirements applicable to all NESHAP require records of applicability determinations; test results; exceedance; periods of startups, shutdowns, or malfunctions; monitoring records; and all other information needed to determine compliance with the applicable standard. Records and reports must be retained for a total of 5 years (2 years at the site; the remaining 3 years of records may be retained off-site). The files may be maintained on microfilm, on a computer or floppy disks, on magnetic tape disks, or on microfiche.

Subparts AA and BB require respondents to install monitoring devices to measure the pressure drop and liquid flow rate for wet scrubbers. These operating parameters are permitted to vary within ranges determined concurrently with performance tests. Exceedance of the operating ranges are considered violations of the site-specific operating limits.

The standards require sources to determine and record the amount of phosphatic feed material processed or stored on a daily basis. This requirement allows verification of plant operating rate which is one of the factors considered in establishing the operating ranges of control devices. This requirement poses no additional burden upon the industry. This is so because proper plant operation and industry practice include daily recording of phosphate-bearing feed processed. This practice predates the regulations and would continue in their absence. Because the daily record keeping requirement places no additional burden upon sources, no estimate has been made for this requirement. Respondents also maintain records of specific information needed to determine that the standards are being achieved and maintained.

Since many of the facilities potentially affected by the proposed standards are currently subject to new source performance standards (NSPS),

the standards include an exemption from the NSPS for those sources. That exemption eliminates a duplication of information collection requirements.

In order to ensure compliance with the standards promulgated to protect public health, adequate reporting and record keeping is necessary. In the absence of such information enforcement personnel would be unable to determine whether the standards are being met as required by the Clean Air Act.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 132 hours per response. There are 15 respondents/affected Entities, reporting semiannually, for an estimated total annual hour burden of 3,790 hours.

(6) MACT Subpart LL, Recordkeeping and Reporting Requirements for Primary Aluminum Reduction Plants, EPA ICR No. 1767, OMB Control No. 2060–0360, Expiration Date is May 31, 2000

Affected Entities: Entities potentially affected by this action are primary aluminum reduction plants that emit or have the potential to emit hazardous air pollutants (HAPs) listed in section 112(b) of the Clean Air Act. Specifically, the requirements apply to the owner or operator of the affected facilities which include new or existing potline, paste production plant, or anode bake furnace associated with primary aluminum production and located at a major source, and for each new pitch storage tank associated with a primary aluminum reduction plant.

Abstract: Primary aluminum reduction plants may reasonably be anticipated to emit from their various process operations several of the HAPs that, in the Administrator's judgement, cause or contribute to air pollution that may endanger public health or welfare. Consequently, technology-based standards (MACT) were promulgated for this source category. These MACT standards ensure that all major sources of air toxic emissions achieve the level of control already being achieved by the better controlled and lower emitting sources in each category and involve the installation, operation and maintenance of particulate control devices such as electrostatic precipitator or scrubbers.

In order to ensure compliance with the standards, adequate record-keeping and reporting is necessary. This information enables the Agency to: (1) Identify the sources subject to the standard; (2) ensure initial compliance with emission limits; and (3) verify continuous compliance with the standard. Specifically, the rule requires written notification when (1) an area source that subsequently increases its emissions such that the source is a major source; (2) a source is subject to the standard, where the initial startup is before the effective date of the standard; (3) a source is subject to the standard, where the source is new or has been reconstructed, the initial startup is after the effective date of the standard, and for which an application for approval of construction or reconstruction is not required; (4) there is an intent to construct a new major source or reconstruct a major source, the date construction or reconstruction commenced, the anticipated date of startup, where the initial startup of a new or reconstructed source occurs after the effective date of the standard, and for which an application for approval or construction or reconstruction is required; (5) initial performance test; (6) initial compliance status; (7) one-time notification for each affected source of the intent to use an HF continuous emission monitor; and (8) compliance approach. In addition, sources are required to submit results of the initial performance test and a summary of all subsequent performance tests, submit a report if measured emissions are in excess of the applicable standard, and to develop a plan for and keep records of all startups, shutdowns, and malfunctions. The owner or operator shall also maintain files of all information required by section 63.10(b) and by subpart LL.

In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis, as required by the Clean Air Act. Consequently, these information collection requirements are mandatory, and the records required by MACT must be retained by the owner or operator for five years.

Burden Statement: In the previously approved ICR, the average annual burden to the industry over the next three years to meet these record-keeping and reporting requirements was estimated to total 52,544 person-hours. This is based on an estimated 23 respondents and an average of 2,300 hours per respondent (i.e., per plant). Each respondent is required to report semiannually.

(7) MACT Subpart NNN, Wool Fiberglass Insulation Manufacturing; EPA ICR No. 1795, OMB Control No. 2060–0359, Expiring 5/31/00

Affected Entities: These standards apply to each of the following existing and newly constructed sources located at a wool fiberglass manufacturing facility: all glass-melting furnaces, rotary spin (RS) manufacturing lines that produce bonded building insulation, and flame attenuation (FA) manufacturing lines producing bonded pipe insulation. The rule also applies to new FA manufacturing lines producing bonded heavy-density products. RS and FA manufacturing lines that produce nonbonded products, where no binder is applied, are not subject to the standards. A facility emitting less than 10 tons per year of any HAP or less than 25 tons per year of any combination of HAPs is an area source and is not subject to this NESHAP. Facilities that manufacture mineral wool from rock or slag are not subject to this rule but are subject to a separate NESHAP for mineral wool production. (See 62 FR 25370 (May 8, 1997), notice of proposed rulemaking.)

Abstract: The NESHAP for wool fiberglass manufacturing plants was proposed on March 31, 1997 (62 FR 15228) and promulgated on May 13, 1999. Owners and operators of wool fiberglass manufacturing plants are required to comply with the notification, reporting, and recordkeeping requirements for MACT standards in the NESHAP general provisions (40 CFR part 63, subpart A). The general provisions require: (1) Initial notification(s) of applicability, notification of performance test, and notification of compliance status; (2) a report of performance test results; (3) a startup, shutdown, and malfunction plan with semiannual reports of any reportable events; and (4) semiannual reports of deviations from established parameters. When deviations in operating parameters established during performance testing are reported, the owner or operator must report quarterly until a request to return to semiannual reporting is approved by the Administrator.

In addition to the requirements of the general provisions, section 63.1386 of the final rule specifies additional records to be kept by owners or operators of a wool fiberglass manufacturing plants. The final rule requires the owner or operator to maintain records of the following, as applicable: (1) Bag leak detection system alarms, including the date and time of the alarm, when corrective actions were initiated, the cause of the alarm, an explanation of the corrective actions taken, and when the cause of the alarm was corrected; (2) ESP parameter value(s) used to monitor ESP performance, including any period when the value(s) deviates from the established limit(s), the date and time of the deviation, when corrective actions

were initiated, the cause of the deviation, an explanation of the corrective actions taken, and when the cause of the deviation was corrected; (3) air temperature above the molten glass in an uncontrolled cold top electric furnace, including any period when the temperature exceeds 120 °C (250 °F) at a location 46 to 61 centimeters (18 to 24 inches) above the molten glass surface, the date and time of the exceedance, when corrective actions were initiated, the cause of the exceedance, an explanation of the corrective actions taken, and when the cause of the exceedance was corrected; (4) uncontrolled glass-melting furnace (that is not a cold top electric furnace) parameter value(s) used to monitor furnace performance, including any period when the value(s) exceeds the established limit(s), the date and time of the exceedance, when corrective actions were initiated, the cause of the exceedance, an explanation of the corrective actions taken, and when the cause of the exceedance was corrected; (5) the LOI and product density for each bonded product manufactured on a RS or FA manufacturing line, the free formaldehyde content of each resin shipment received and used in binder formulation, and the binder formulation of each batch; (6) Process parameter level(s) for RS and FA manufacturing lines that use process modifications to comply with the emission standards, including any period when the parameter level(s) deviates from the established limit(s), the date and time of the deviation, when corrective actions were initiated, the cause of the deviation, an explanation of the corrective actions taken, and when the cause of the deviation was corrected; (7) scrubber pressure drop, scrubbing liquid flow rate, and any chemical additive (including chemical feed rate to the scrubber), including any period when a parameter level(s) deviates from the established limit(s), the date and time of the deviation, when corrective actions were initiated, the cause of the deviation, an explanation of the corrective actions taken, and when the cause of the deviation was corrected; (8) incinerator operating temperature and results of periodic inspection of incinerator components, including any period when the temperature falls below the established average or the inspection identifies problems with the incinerator, the date and time of the problem, when corrective actions were initiated, the cause of the problem, an explanation of the corrective actions taken, and when the cause of the problem was corrected; and (9) glass pull rate, including any period when the pull rate exceeds the average pull rate established during the performance test by more than 20 percent, the date and time of the exceedance, when corrective actions were initiated, the cause of the exceedance, an explanation of the corrective actions taken, and when the cause of the exceedance was corrected.

The NESHAP general provisions (40 CFR part 63, subpart A) require that records be maintained for at least 5 years from the date of each record. The owner or operator must retain the records onsite for at least 2 years but may retain the records offsite the remaining 3 years.

Burden Statement: There are 21 sources subject to this standard. The total average annual hours are estimated to be 17,800. The total average annual cost is estimated to be $571,000. The following is a breakdown of burden used in the ICR. EPA estimates a two hour burden for notification of applicability and notification of the date of the performance test, and a four hour burden for the notification of compliance status. EPA estimates an eight hour burden for reporting of both excess emissions and for startups, shutdowns and malfunctions. EPA also estimates a 16 hour burden for reporting of monitoring exceedence. EPA also estimates a 40 hour burden for each of the following plans: an Operation, Maintenance, and Monitoring Plan; a Startup, Shutdown, and Malfunction Plan; and a Quality Improvement Plan. For each new source, EPA estimates a 980 hour burden for the initial performance test. Finally, EPA estimates a 9 hour burden for maintaining all records of information required by this subpart.

The total nationwide capital cost associated with monitoring for 21 plants over the three year ICR clearance period is estimated at $857,000. These costs include $163,000 capital costs for a bag leak detection system for 18 baghouses ($9,100 per baghouse leak detection system × 18 baghouses) at 11 facilities with $500/yr/baghouse in operation and maintenance costs; $18,000 capital cost for temperature monitors on 12 cold top electric furnaces at 6 facilities ($1,500 per temperature monitoring and recording device × 12 furnaces); and a one-time cost of $675,000 to establish a correlation between formaldehyde emissions and process parameters used to monitor compliance on affected RS and FA manufacturing lines ($15,000 per line × 45 RS and FA manufacturing lines). No additional cost is assumed by EPA for a thermocouple with a strip chart recorder for incinerators, as the thermocouple is customarily included in the cost of the thermal incinerator. Other equipment used to monitor control devices and processes are already in-place; thus, there would be no additional monitoring costs. The total annualized capital cost is $123,000, or an average of $41,000/yr over the three year startup period. Total annual operation and maintenance costs associated with the monitoring equipment is $9,000 ($500 per baghouse leak detection system × 18 baghouses), or an average of $3,000/yr over the three year startup period.

Dated: January 7, 2000.

Bruce R. Weddle,

Acting Director, Office of Compliance.

[FR Doc. 00–1210 Filed 1–20–00; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

(ER–FRL–6250–2)

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or www.epa.gov/oeca/ofa. Weekly receipt of Environmental Impact Statements Filed January 10, 2000 Through January 14, 2000 Pursuant to 40 CFR 1506.9.

EIS No. 000004, Draft Supplement, FHW, AR, TX, US 71 Highway Improvement Project, Updated Information, between Texarkana, (US71) Arkansas and DeQueen, Texarkana Northern Loop Funding, Right-of-Way Approval and COE Section 404 Permit, Little River, Miller and Sevier Counties, AR and Bowie County, TX, Due: February 28, 2000, Contact: Elizabeth Romero (501) 324–5309.

EIS No. 000005, Draft EIS, NPS, CA, Merced Wild and Scenic River Comprehensive Management Plan, Implementation, Yosemite National Park and the EL Portal Administrative Site, Tuolumne, Merced, Mono, Mariposa and Madera Counties, CA, Due: March 14, 2000, Contact: Dave Mihalic (209) 372–0261.

EIS No. 000006, Regulatory Draft EIS, FRA, Proposed Rule for the Use of Locomotive Horns at Highway-Rail Grade Crossings in the United States, Due: May 26, 2000, Contact: David Valenstein (202) 493–6383.

EIS No. 000007, Draft Supplement, IBR, NM, CO, Animas-La Plata Project (ALP Project), Municipal and Industrial Water Supply, Reservoir Construction in Ridges Basin, Implementation and Water Acquisition Funding, Additional Information concerning Project Alternatives Developed in 1996 through 1997, CO NM, Due: March 17, 2000, Contact: Mr. Pat Schumacher (970) 388–6500.

EIS No. 000008, Draft EIS, DOE, ID, Idaho High-Level Waste and Facilities Disposition, Construction and Operation, Bannock,

Bingham, Bonneville, Butte, Clark, Jefferson and Madison Counties, ID, Due: March 20, 2000, Contact: Thomas L., Nichmann (208) 526–0535.P='02'≤

EIS No. 000009, Final EIS, BIA, CA, Programmatic-Cabazon Resource Recovery Park Section 6 General Plan, Implementation, Approval of Master Lease and NPDES Permit, Mecca, CA, Due: February 14, 2000, Contact: William Allan (916) 978–6043.P='02'≤

EIS No. 000010, Draft EIS, FHW, WV, WV–65 Transportation Improvement Project, from Appalachian Corridor G near Belo to US 52 at Naugatuck, Funding and COE Section 404 Permit, Mingo County, WV, Due: March 13, 2000, Contact: Thomas J. Smith (304) 347–5928.P='02'≤

Amended Notices

Tunas, Swordfish and Sharks, Highly Migratory Species Fishery Management Plan, Updated Information, Reduction of Bycatch and Incidental Catch in the Atlantic Pelagic Longline Fishery, Due: March 01, 2000, Contact: Rebecca J. Lent (301) 713–2347.P='02'≤

FR notice published on 12/30/1999: CEQ Comment Date extended from 2/14/2000 to 03/01/2000.P='02'≤

EIS No. 990500, Draft Supplement, UAF, FL, Homestead Air Force Base (AFB) Disposal and Reuse Updated and Additional Information on Disposal of Portions of the Former Homestead (AFB), Implementation, Dade County, FL, Due: March 07, 2000, Contact: Frank Duncan (703) 696–5243. Published–FR–01–07–00 Correction to Comment date from 02–21–2000 to 03–07–2000.

Dated: January 18, 2000.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–1519 Filed 1–20–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6250–3]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared January 03, 2000 Through January 07, 2000 pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 09, 1999 (63 FR 17856).

Draft EISs

ERP No. D–AFS–L65336–ID Rating EC1, Brown Creek Timber Sale Project, Implementation, Payette National Forest, New Meadow Ranger District, Adam County, ID.

Summary: EPA expressed environmental concerns regarding cutting timber in the Patrick Butte Roadless Area and recommended the alternative which avoids entry into the roadless area.

ERP No. D–COE–K36051–AZ Rating EC2, Rio de Flag Flood Control Study, Improvement Flood Protection, City of Flagstaff, Coconino County, AZ.

Summary: EPA expressed environmental concerns over potential impacts to wetlands and requested additional information regarding the extent of wetlands affected by the proposed project and measures to avoid and minimize impacts to wetlands.

ERP No. D–IBR–K64018–CA Rating LO, Lower Mokelumne River Restoration Program, Implementation, Resource Management Plan, San Joaquin County, CA.

Summary: EPA has no objections. The project provides benefits to fisheries and the Lower Mokelumne River ecosystem.

ERP No. D–NAS–A11075–00 Rating LO, Mars Surveyor 2001 Mission, Implementation, Orbit Spacecraft Launched from Vandenberg Air Force Base, CA; Delta II 7925 Launch Vehicle in March/April 2001 and a Lander/Rover Spacecraft Launched from Cape Canaveral Air Station, FL; CA and FL.

Summary: EPA has no objection to the proposed action.

Final EISs

ERP No. F–AFS–L65320–00 Targhee National Forest Open Road and Open Motorized Trail Analysis, To Implement a new Travel Plan, several counties, ID and Lincoln and Teton Counties, WY.

Summary: The final EIS addressed most of EPA's comments on the draft EIS. However, our comment on the regulations found at 36 CFR 295 was not addressed and EPA remains concerned about potential environmental impacts from roads and opened motorized trails.

ERP No. F–NPS–H65006–NB Homestead National Monument of America, General Management Plan, Implementation, Gage County, NB.

Summary: EPA has no objections to the proposed General Management Plan.

ERP No. FA–FHW–H40108–IA. Central Business District Loop Arterial Construction, Harding Road and I–235 to US 65 at Scott Avenue, Funding and 404 Permit, Polk County, IA

Summary: EPA concluded that the project modifications posed little impact to the environment. Additional noise testing may be warranted as the project progresses.

Regulations

ERP No. R–FAA–A59013–00 FAA Order 1050.1E, Policies and Procedures, Includes Additions or changes to the current version of FAA Order 1050.1D.

Summary: EPA expressed environmental concern that certain sections of the Order were either not in agreement or are misinterpretations of the CEQ regulations. EPA requested that those sections be rewritten.

Dated: January 18, 2000.

B. Katherine Biggs,

Associate Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 00–1520 Filed 1–20–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00640; FRL–6489–1]

Inaugural Meeting of the Tribal Pesticide Program Council (TPPC); Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public meeting.

SUMMARY: The Tribal Pesticide Program Council (TPPC) will hold a 2–day meeting, beginning on January 25, 2000 and ending on January 26, 2000. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on January 25, 2000 from 8 a.m. to 5 p.m., and January 26, 2000 from 8 a.m. to 4 p.m. The Tribal Caucus will hold sessions that are closed to EPA and the General Public on January 25, 2000 from 2 p.m. to 4:30 and January 26, 2000 from 3 p.m. to 3:30 p.m..

Requests to participate in the meeting may be received until January 25, 2000.

ADDRESSES: The meeting will be held at the Embassy Suites Hotel - Crystal City, the Capitol Hill Room, 1300 Jefferson Davis Highway, Arlington, VA.

Requests to participate may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit III. of the ''SUPPLEMENTARY INFORMATION.'' To ensure proper receipt by EPA, your request must identify docket control number OPP–00640 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Lillian Wilmore, TPPC Facilitator, P.O. Box 470829; Brookline Village, MA. 02447–0829; telephone number (617) 232–5742; Fax Number (617) 277–1656;

e-mail address: naecology@aol.com or Georgia A. McDuffie, Field and External Affairs Division (7505C) Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: (703) 605–0195; fax number: (703) 308–1850; e-mail address: mcduffie.georgia@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to Tribes with pesticide programs or pesticide interests. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

II. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an administrative record for this meeting under docket control number OPP–00640. The administrative record consists of the documents specifically referenced in this notice, any public comments received during an applicable comment period, and other information related to the Tribal Pesticide Program Council meeting, including any information claimed as Confidential Business Information (CBI). This administrative record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the administrative record, which includes printed, paper versions of any electronic comments that may be submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2 (CM #2), 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

III. How Can I Request to Participate in this Meeting?

You may submit a request to participate in this meeting through the mail, in person, or electronically. Do not submit any information in your request that is considered CBI. Your request must be received by EPA on or before January 25, 2000. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–00640 in the subject line on the first page of your request.

1. *By mail*. You may submit a request to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Ariel Rios Bldg., 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, CM #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your request electronically by e-mail to: ''opp-docket@epa.gov.'' Do not submit any information electronically that you consider to be CBI. Use WordPerfect 6.1/8.0 or ASCII file format and avoid the use of special characters and any form of encryption. Be sure to identify by docket control number OPP–00640. You may also file a request online at many Federal Depository Libraries.

IV. Background on TPPC:

EPA's Office of Pesticide Programs (OPP) has significantly expanded resources devoted to Tribal programs and projects over the past two years. OPP and EPA's Office of Enforcement and Compliance Assurance (OECA) are working closely with EPA's Regional Offices, Tribes and Tribal organizations to develop and implement pesticide programs and projects meeting individual or regional Tribal needs.

Through a series of meetings with OPP, Tribes across the country have expressed a need for an official tribal pesticide group to address tribal pesticide program and technical issues at the national level. In response to this need, OPP has worked with Tribes and various Tribal organizations to form a national group called the Tribal Pesticide Program Council (TPPC). The TPPC will work closely with EPA Offices and Regions, EPA's Tribal Operations Committee (TOC) and other national groups.

The general membership of the TPPC currently includes approximately 30 Tribes with EPA pesticide programs and a number of Tribes with pesticide interests. The group is led by an Executive Committee of 11 tribal representatives, elected from the general membership.

TPPC issues include pesticide registration, training, enforcement, certification, ground water, disposal and spray drift, among others. The TPPC will also work cooperatively with EPA/OPP to ensure that federal pesticide regulations are effectively applied to Tribal land. The structure of the TPPC should ensure that tribes with less experience can benefit from those with established programs and more experience.

V. Tentative Agenda Topics:

January 25, 2000

Meet and Greet—8:00–9:00 a.m.
Welcome—9:00–9:15 a.m.
Introductions (everyone) and TPPC Creation & Goals—Irv Provost, Interim TPPC Chairperson—9:15–9:45 a.m.
Presentation and Questions & Answers—Tobi Jones, President, State FIFRA Issues and Research Evaluation Group (SFIREG)–9:45–10:15 a.m.
Morning Break—10:15–10:30 a.m.
Greeting—Susan Wayland, Deputy Assistant Administrator, Office of Prevention Pesticides and Toxic Substances—10:30–10:45 a.m.
OPP Overview/Tribal Relationships—Marcia Mulkey, Director, Office of Pesticide Programs—10:45–11:30 a.m.
HQ/Regional/Tribal Relationships—Debbie Kovacs, U.S. EPA Region 8–11:30–12:00 p.m.
Lunch Break—12:00–1:00 p.m.
OECA Overview/Funding/Training—Jack Neylan, Chief, Planning Branch, Office of Enforcement and Compliance Assistance—1:00–2:00 p.m.
Tribal Caucus—Issue Discussion/Confirmation of Exec. Committee and Chairperson—2:00–4:30 p.m. (closed)
Wrap Up (All present)—4:30–5:00 p.m.

January 26, 2000

Meet & Greet—8:00–9:00 a.m.
Welcome—9:00–9:15 a.m.
Federal Inspector Credentials/Training—Jonathan Binder, Attorney Advisor, Office of Enforcement and Compliance Assistance—9:15–10:15 a.m.

Morning Break—10:15–10:30 a.m.

Sections 18 & 24(c)—Office of Enforcement and Compliance and Office of Pesticide Programs Staff—10:30–11:30 a.m.

Lunch Break—11:30–1:00 p.m.

Presentation by Dr. Anna Maria Osorio—EPA/Public Health Service—Proposal for pilot program on Tribal pesticide exposure/health concerns 1:00–1:30 p.m.

Discussion—Training and Technical Assistance Needs of Tribes and Possible Solutions—1:30–2:30 p.m.

Tribal Caucus (closed)—2:30–3:00 p.m.

Wrap Up—3:00–4:00 p.m.

List of Subjects

Environmental protection.

Dated: January 14, 2000.

Jay Ellenberger,

Director, Field and External Affairs Division, Office of Pesticide Programs.

[FR Doc. 00–1548 Filed 1–18–00; 4:49 pm]

BILLING CODE 6560–50–F

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2377]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings; Correction

January 12, 2000.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, S.W., Washington, D.C. or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by February 7, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Communications Assistance for Law Enforcement Act (CC Docket No. 97–213)

Number of Petitions Filed: 3.P='04'≤

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–1442 Filed 1–20–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2379]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

January 12, 2000.

Petitions for Reconsideration have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by February 7, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Federal-State Joint Board on Universal Service (CC Docket No. 96–45).

Forward Looking Mechanism for High Cost Support for Non-Rural LECs (CC Docket No. 97–160).

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96–98).

Number of Petitions Filed: 11.

Subject: Celtronix Telemetry, Inc. (WT Docket No. 98–169, RM–8951).

Application of Bidding Credits in the Interactive Video and Data Services Auction.

Amendment of Part 95 of the Commission's Rules to Provide Flexibility in the 218–219 MHz Service.

Number of Petitions Filed: 6.P='02'≤

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–1443 Filed 1–20–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Report No. 2380

Petitions for Reconsideration and Clarification of Action In Rulemaking Proceedings

January 14, 2000.

Petitions for Reconsideration and Clarification has been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by February 7, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Implementation of the Telecommunications Act of 1996 (CC Docket No. 96–115).

Telecommunications Carrier's Use of Customer Proprietary Network Information and Other Customer Information.

Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 (CC Docket No. 96–98).

Provision of Directory Listing Information Under the Telecommunications Act of 1934, As Amended (CC Docket No. 99–273).

Number of Petitions Filed: 1.P='02'≤

Subject: Modification and Clarification of Policies and Procedures Governing Siting and Maintenance of Amateur Radio Antennas and Support Structures, and Amendment of Section 97.15 of the Rules Governing the Amateur Radio Service (RM–8763).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–1462 Filed 1–20–00;8:45am]

BILLING CODE 6712–01–M

FEDERAL COMMUNICATIONS COMMISSION

Report No. 2382

Petition for Reconsideration and Clarification of Action in Rulemaking Proceeding

January 14, 2000.

Petition for Reconsideration and Clarification has been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of this document is available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to this petition must be filed by February 7, 2000. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject: Amendment of the Amateur Service Rules to Provide for Greater Use of Spread Spectrum Communications Technologies (WT Docket No. 97–12, RM–8737).

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–1463 Filed 1–20–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 0:00 a.m., Wednesday, January 26, 2000.

PLACE: Marriner S. Eccles Federal Reserve Board Building, 20th and C Streets, N.W., Washington, D.C. 20551

STATUS: Closed.

MATTERS TO BE CONSIDERED: 1. Personnel actions (appointments, promotions, assignments, reassignments, and salary actions) involving individual Federal Reserve System employees.

2. Any matters carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION: Lynn S. Fox, Assistant to the Board; 202–452–3204.

SUPPLEMENTARY INFORMATION: You may call 202–452–3206 beginning at approximately 5 p.m. two business days before the meeting for a recorded announcement of bank and bank holding company applications scheduled for the meeting; or you may contact the Board's Web site at http://www.federalreserve.gov for an electronic announcement that not only lists applications, but also indicates procedural and other information about the meeting.

Dated: January 19, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–1618 Filed 1–19–00; 12:05 pm]

BILLING CODE 6210–01–P

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).

JOINT MEETING: Subcommittee on Standards and Security and Workgroup on Computer-based Patient Records.xxx

TIME AND DATE: 9 a.m. to 5:30 p.m., January 31, 2000; 8:30 a.m. to 1:30 p.m., February 1, 2000.

PLACE: Room 705A, Hubert H. Humphrey Building, 200 Independence Avenue, SW, Washington, DC 20201.

STATUS: Open.

PURPOSE: The Subcommittee and Working Group will review the first draft of its report to the HHS Secretary on standards for patient medical records information as required by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). The Subcommittee will review the recommendations contained in the report, specify proposed revisions in the draft report, and confirm the work plan for the completion of the report. On the second day, the Subcommittee will be updated on HHS activities related to the implementation of the administrative simplification provisions of HIPAA, will review its overall work plan for the year 2000, and review the first draft of the annual NCVHS report to Congress on implementation of the HIPAA administrative simplification provisions.

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 J. Michael Fitzmaurice, Ph.D., Senior Science Advisor for Information Technology, Agency for Health Care Research and Quality, 2101 East Jefferson Street, #600, Rockville, MD 20852, phone: (301) 594–3938; or Marjorie S. Greenberg, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, Room 1100, Presidential Building, 6525 Belcrest Road, Hyattsville, Maryland 20782, telephone (301) 458–4245. Information also is available on the NCVHS home page of the HHS website, *http://www.ncvhs.hhs.gov/* where an agenda for the meeting will be posted when available.

Dated: January 13, 2000.

James Scanlon,

Director, Division of Data Policy, Office of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 1460 File 1–20–00; 8:45 am]

BILLING CODE 4151–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–13–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Supplement to HIV/AIDS Surveillance (SHAS) Project—New—The National Center for HIV, STD and TB Prevention (NCHSTP). NCHSTP is proposing revisions to the currently-approved questionnaire for the Supplement to HIV/AIDS Surveillance (SHAS) project (OMB No. 0920–0262). This questionnaire provides detailed information about persons with HIV infection which continues to be of significant interest to public health, community, minority groups and affected groups. Since 1989, the CDC, in collaboration with 12 state and local health agencies, has collected data through the national Supplemental HIV/AIDS Surveillance project. The objective of this project is to obtain increased descriptive information on persons with newly-reported HIV and AIDS infections, including sociodemographic characteristics, risk behaviors, use of health care services, sexual and substance abuse behaviors, minority issues and adherence to therapy. The revised questionnaire will address important emerging surveillance and prevention issues, particularly those related to the recent advances in therapy for HIV infection. This information supplements routine, national HIV/AIDS surveillance and is used to

improve CDC's understanding of minority issues related to the epidemic of HIV, target educational efforts to prevent transmission, and improve services for persons with HIV infection. The total annual burden hours are 3500.

DATA FOR CALENDAR YEAR 1998

Respondents	No. of respondents	No. of responses/respondent	Avg. burden of response (in hrs.)
Georgia	292	1	.75
California	301	1	.75
Michigan	82	1	.75
New Mexico	81	1	.75
Arizona	165	1	.75
Colorado	139	1	.75
Connecticut	229	1	.75
Delaware	43	1	.75
Florida	430	1	.75
S. Carolina	270	1	.75
New Jersey	86	1	.75
Washington	160	1	.75

Dated: January 14, 2000.

Nancy Cheal, Ph.D.,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–1450 Filed 1–20–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–11–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

Specifications and Tests for Approval of Coal Mine Dust Personal Sampler Units—(0920–0148)—Extension—National Institute for Occupational Safety and Health (NIOSH)—Under the Federal Coal Mine Health & Safety Act of 1977, PL91–173 (amended the Federal Coal Mine & Safety Act of 1969), mine operators must periodically sample mine atmospheres and submit the samples to the Mine Safety and Health Administration (MSHA). The Act states that sampling equipment used must be approved by the Secretaries of the Department of Health and Human Services (DHHS) and the Department of Labor (DOL). Concurrent permissibility approval for electrical intrinsic safety is provided by MSHA while NIOSH certifies the performance under Title 30 CFR Part 74. Under this regulation, certification applicants are required to submit detailed parts lists, drawings, and inspection instructions, along with the personal sampler unit to be tested. These materials are provided to NIOSH along with a letter from the applicant requesting certification. After NIOSH has tested the unit and certifies the performance of the equipment, a certificate of approval is issued to the manufacturer. Should the equipment be disapproved, a letter is sent to the manufacturer outlining the details of the defects resulting in disapproval, with suggestions for possible corrections to the unit. Certificates of approval are accompanied by photographs of designs for approval labels to be affixed to each coal mine dust personal sampler unit. Use of the approval label is authorized only on sampler units which conform strictly with the drawings and specifications upon which the certificate of approval is based. Changes or modifications in the unit after certification will result in the manufacturer requesting extensions of approval through the original certification process.

The information is used by NIOSH to fulfill its legislatively-mandated responsibilities to evaluate and approve coal mine dust personal sampler units (CMDPSU) submitted for certification and approval actions (30 U.S.C. 957 and 961). Before NIOSH grants a certification, it must have sufficient evidence of safety and adequate performance. The parts listing, engineering drawings, and inspection instructions submitted are used by NIOSH to assure that descriptions of tested units are fully detailed and that future units produced are equivalent to those currently certified. Without the information specified in 30 CFR Part 74, NIOSH will be unable to adequately evaluate CMDPSU safety and efficacy, and to determine if functional changes were made in the manufacture of certified products. The total annual burden hours are 44.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden of response (in hrs.)
Manufacturer	1	1	44

Dated: January 14, 2000.

Nancy Cheal, Ph.D.,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–1451 Filed 1–20–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30DAY–12–00]

Agency Forms Undergoing Paperwork Reduction Act Review

The Centers for Disease Control and Prevention (CDC) publishes a list of information collection requests under review by the Office of Management and Budget (OMB) in compliance with the

Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these requests, call the CDC Reports Clearance Officer at (404) 639–7090. Send written comments to CDC, Desk Officer; Human Resources and Housing Branch, New Executive Office Building, Room 10235; Washington, DC 20503. Written comments should be received within 30 days of this notice.

Proposed Project

1. A Pilot Study to Evaluate CDC's 1998 Guidelines for the Treatment of Sexually Transmitted Diseases Among Clinicians in Two Managed Care Organizations—The National Center for HIV, STD, and TB Prevention (NCHSTP) is proposing a pilot survey of 1,000 practitioners in two managed care plans to evaluate how CDC's most recent edition (1998) of the Sexually Transmitted Disease (STD) Treatment Guidelines influence practice. The pilot survey will be conducted in two large, mixed model managed care plans which are located in two different geographic regions of the U.S. The survey is expected to last from 3–6 months. The CDC periodically publishes national guidelines on the diagnosis and treatment of sexually transmitted diseases; however, little is known about the impact of the guidelines on clinical practice and treatment choices, the practical use of the guidelines, or utility to providers. Data gathered from this study will provide preliminary information about the extent to which providers are aware of the guidelines, their access to the guidelines, their use of the guidelines, and factors that enable or preclude use of the guidelines. The information will assist CDC in determining ways to improve practitioners' understanding and promote utilization of the guidelines; determine ways to make them more available for medical practitioners; and increase the use of the guidelines in appropriate medical practices. The total annual burden hours are 334.

Respondents	No. of respondents	No. of responses/respondent	Avg. burden/response (in hours)
Managed care physicians or advance practice Nurses	1,000	1	.334

Dated: January 14, 2000.

Nancy Cheal, Ph.D.,

Acting Associate Director for Policy, Planning and Evaluation, Centers for Disease Control and Prevention (CDC).

[FR Doc. 00–1452 Filed 1–20–00; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 94N–0162]

Premchand Girdhari; Denial of Hearing; Final Debarment Order

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is denying the request of Premchand Girdhari, 643 Rassbach St., Eau Claire, WI 54701, for a hearing, and is issuing a final order under the Federal Food, Drug, and Cosmetic Act (the act) permanently debarring Mr. Girdhari from providing services in any capacity to a person that has an approved or pending drug product application. FDA bases this order on a finding that Mr. Girdhari was convicted of two felonies under Federal law relating to the regulation of a drug product under the act. Mr. Girdhari has failed to file with the agency information and analyses sufficient to create a basis for a hearing concerning this action.

EFFECTIVE DATE: January 21, 2000.

ADDRESSES: Application for termination of debarment to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Richard L. Arkin, Center for Veterinary Medicine (HFV–6), Food and Drug Administration, 7500 Standish Pl. Rockville, MD 20855, 301–827–0141, FAX 301–827–5510, e-mail ''rarkin@bangate.fda.gov''.

SUPPLEMENTARY INFORMATION:

I. Background

On May 8, 1991, United States District Court for the Western District of Wisconsin accepted a plea of guilty from Premchand Girdhari, former President of Radix Laboratories, Inc., to a two count information, for making false statements and distributing adulterated drugs with the intent to defraud and mislead in violation of the act, Federal felony offenses under 18 U.S.C. 1001 and sections 301(a) and 303(b) of the act (21 U.S.C. 331(a) and 333(b)). On July 8, 1991, judgment against Mr. Girdhari was entered and the court advised him of his sentence. The court amended its judgment to correct a clerical error but otherwise affirmed its earlier judgment and sentence on October 7, 1991.

Mr. Girdhari was the president of Radix Laboratories, Inc., a Wisconsin corporation that manufactured a variety of animal drugs. In that capacity, he caused to be introduced into commerce adulterated drugs. Specifically, Mr. Girdhari marketed the drug ''Antihistamine (2%),'' which drug is adulterated within the meaning of (section 501(a)(5) and (a)(2)(B) of the act (21 U.S.C. 351(a)(5) and (a)(2)(B)), because the drug was not the subject of the necessary FDA approvals nor was it manufactured in conformity with good manufacturing practice. He also knowingly and willfully made a false statement in a matter, within the jurisdiction of FDA, related to FDA's regulation of the injectable animal drug, ''Cal–Plex.''

Section 306(a)(2) of the act (21 U.S.C. 335a(a)(2)) mandates debarment of an individual if FDA finds that the individual has been convicted of a felony under Federal law for conduct relating to the regulation of any drug product under the act. Under section 306(l)(2) of the act, mandatory debarment applies when an individual is convicted within 5 years preceding the initiation of the agency's action to debar. Section 306(c)(2)(A)(ii) of the act requires that such debarment be permanent.

FDA has made a finding that Mr. Girdhari was convicted of two felonies under Federal law for conduct relating to the regulation of Radix drug products. Mr. Girdhari's first felony conviction under 18 U.S.C. 1001 was for making a false statement to FDA about the manufacture and distribution of the unapproved injectable animal drug, ''Cal–Plex.'' The information he falsified concerns matters that affect FDA's regulatory decisions about drug products. His second felony conviction under section 301(a) of the act was for violations of provisions of the act that prohibit introduction and delivery for introduction into interstate commerce of any drug that is adulterated, a felony conviction under Federal law for conduct relating to the regulation of a drug product under the act.

In a certified letter received by Mr. Girdhari on October 17, 1994, the Interim Deputy Commissioner for Operations of FDA proposed to issue an order under section 306(a)(2) of the act permanently debarring Mr. Girdhari

from providing services in any capacity to a person that has an approved or pending drug product application. The letter offered Mr. Girdhari an opportunity for a hearing on the agency's proposal to issue such an order. FDA based the proposal to debar Mr. Girdhari on its finding that he had been convicted of two felonies under Federal law for conduct relating to the regulation of Radix's drug products.

The certified letter also informed Mr. Girdhari that his request for a hearing could not rest upon mere allegations or denials but must present specific facts showing that there was a genuine and substantial issue of fact requiring a hearing. The letter also notified Mr. Girdhari that if it conclusively appeared from the face of the information and factual analyses in his request for a hearing that there was no genuine and substantial issue of fact that precluded the order of debarment, FDA would enter summary judgment against him and deny his request for a hearing.

In a letter dated November 10, 1994, Mr. Girdhari requested a hearing on the proposal and indicated that further information would be submitted. On December 14, 1994, Mr. Girdhari submitted arguments and information in support of his hearing request.

In his request for a hearing, Mr. Girdhari acknowledges that he pleaded guilty to offenses charged under 18 U.S.C. 1001 and sections 301(a) and 303(b) of the act and that convictions and sentencing for these offenses were entered pursuant to the guilty pleas on July 8, 1991. However, Mr. Girdhari argues that FDA's findings based on the conviction are incorrect and that the agency's proposal to debar him is unconstitutional.

The Commissioner of Food and Drugs (the Commissioner) has considered Mr. Girdhari's arguments and concludes that they are unpersuasive and fail to raise a genuine and substantial issue of fact requiring a hearing. Moreover, the legal arguments that Mr. Girdhari offers do not create a basis for a hearing. (See 21 CFR 12.24(b)(1).) Mr. Girdhari's arguments are discussed below.

II. Mr. Girdhari's Arguments in Support of a Hearing

A. Retroactive Application of Statute Is Improper

Mr. Girdhari contends that ''retroactive application'' of the Generic Drug Enforcement Act (GDEA) of 1992 (Pub. L. 102–282), is improper and argues that Congress did not intend that the debarment provisions of the GDEA be applied retroactively.

Mr. Girdhari states that the GDEA was not enacted until May 13, 1992, which was subsequent to the date of his conviction on July 8, 1991. He contends that he could not have anticipated the collateral legal consequences of the GDEA in plea negotiations, and had he known of the potential for possible future debarment, he either might not have agreed to plead guilty to violations that could be used as the foundation for debarment, or he might have pleaded innocent and sought a trial by jury. Thus, he contends that debarment would mean that he would suffer an unforeseen and substantial additional penalty of permanent prohibition from providing services in any capacity to a person with an approved or pending drug application.

Mr. Girdhari argues that under the Supreme Court's holding in *Landgraf* v. *USI Film Products, et al.*, 114 S.Ct. 1483 (1994), legislative enactments will not be presumed to apply retroactively unless Congress has expressed clear intent to the contrary. Mr. Girdhari further argues that neither the GDEA's provisions nor its legislative history constitute a clear expression of retroactive intent.

The Supreme Court in *Landgraf* v. *USI Film Products*, 114 S.Ct. 1483 (1994), clarified the standard to be applied in determining whether or not a statute operates retroactively. Under the analysis established in *Landgraf*, a statute applies retroactively if ''Congress has expressly prescribed'' such application. (*Landgraf*, 114 S.Ct. 1505.) If the statute contains ''no such express command,'' then the statute can only be applied retroactively if the statute would not have a ''retroactive effect,'' which ''would impair a party's rights which he possessed when acting, increase a party's liability for past conduct, or impose new duties with respect to transactions already completed.'' (Id.)

Mr. Girdhari's argument that the GDEA cannot be applied retroactively under the standard set forth in *Landgraf* is unpersuasive. Mr. Girdhari's debarment is permissible because his debarment does not have a ''retroactive effect'' as that term is defined in *Landgraf*. Moreover, even if Mr. Girdhari's debarment were viewed as retroactive, the plain language of the GDEA evinces a clear congressional intent to debar specified individual felons from future participation in the pharmaceutical industry, irrespective of whether their violations predate the enactment of the GDEA. Finally, the remedial goals of the GDEA demonstrate Congress's intent to apply debarment under the GDEA to individuals convicted before the statute's amendment.

1. Debarment Is Not Retroactive Under Landgraf

Contrary to Mr. Girdhari's argument, Landgraf does not bar the future application of a statute premised upon events predating its enactment unless the new statute has true ''retroactive effect.'' (*Landgraf*, 114 S.Ct. 1505.)

Statutes authorizing injunctive or other prospective relief do not have retroactive effect, even if they are predicated upon events antecedent to the enactment of the statute. (*Landgraf*, 114 S.Ct. 1501.) Although the issuance of an injunction is invariably precipitated by past legal violations or other misconduct, ''the purpose of prospective relief is to affect the future rather than remedy the past,'' *id.* at 1525 (Scalia, J., concurring), and the injunction itself operates solely ''*in futuro*,'' affecting only conduct that occurs after it has been issued. (*Id.* (*quoting American Steel Foundries* v. *Tri–City Central Trades Council*, 257 U.S. 184, 201 (1921)).) Thus, ''(w)hen (an) intervening statute authorizes or affects the propriety of prospective relief, application of the new provision is not retroactive.'' (*Landgraf*, 114 S.Ct. at 1501; see also *American Steel Foundries*, 257 U.S. at 201 (because relief by injunction operates only in futuro, right to such relief must be determined by law in effect at time injunction is entered).)

Statutes that operate in futuro are not retroactive within the meaning of *Landgraf*, even if their application is triggered by events antecedent to the enactment of the statute. (See *Bell Atlantic Telephone Companies* v. *FCC*, 79 F.3d 1195, 1207 (D.C. Cir. 1996) (FCC ''add-back order'' was not ''retroactive'' within the meaning of *Landgraf* and was purely prospective, because even though the order required the assessment of past earnings, such an order determined how much a carrier could charge for future services); *Scheidemann* v. *INS*, 83 F.3d 1517, 1523 (3rd Cir. 1995) (an amendment to immigration law, ''[l]ike statutes altering the standards for injunctive relief,'' had only a ''prospective'' impact and, thus, was not retroactive under *Landgraf*).)

Debarment under the GDEA, like an injunction, plainly does not have retroactive effect within the meaning of *Landgraf*. Unlike the compensatory damages at issue in *Landgraf*, which were ''quintessentially backward-looking,'' *Landgraf*, 114 S.Ct. at 1506, the purpose of debarment is to restrict future conduct, notwithstanding the fact that its application is triggered by past

events. For purposes of retroactivity analysis, debarment orders are indistinguishable from injunctions and other forms of prospective relief. Mr. Girdhari's debarment is, in practical effect, simply a statutorily-mandated administrative injunction prohibiting him from engaging in certain conduct in the future.

As the Courts of Appeals for the District of Columbia and the Seventh Circuits have recognized, debarment under the GDEA is a forward-looking remedial action; it does not impose additional punishment for past conduct but, rather, reflects a congressional judgment ''that the integrity of the drug industry, and with it public confidence in that industry, will suffer if those who manufacture drugs use the services of someone who has committed a felony subversive of FDA regulation.'' (*DiCola* v. *FDA*, 77 F.3d 504, 507 (D.C. Cir. 1996); see also *Bae* v. *Shalala*, 44 F.3d 489, 493, 496 (7th Cir. 1995) (debarment under GDEA is solely remedial).)

2. The Plain Language of the GDEA Demonstrates That Congress Intended That FDA Debar Individuals Whose Criminal Activity Predates the Enactment of the GDEA

Even if debarment were viewed as having ''retroactive effect,'' Mr. Girdhari's debarment is still permissible under *Landgraf* because the plain language of the GDEA evinces a clear congressional intent that the statute be applied to events that occurred prior to its enactment.

First, section 306(l)(2) of the act, which sets forth the effective dates for various provisions of the act, demonstrates that Congress intended that section 306(a)(2) be applied retroactively. Section 306(l)(2) of the act states that section 306(a) shall not apply to a conviction which occurred more than 5 years before the initiation of an agency action. This language indicates that an applicable conviction may be used as the basis for debarment, so long as it occurred no more than 5 years prior to the initiation of debarment proceedings. At the time of the passage of the statute on May 13, 1992, at which point the agency could initiate a debarment action under section 306(a)(2) of the act, any applicable conviction up to 5 years before such date could serve as the basis for the debarment. Thus, the statute addresses retroactivity, and sets forth the boundaries of its application.

Second, the use of limiting language in section 306(a)(1) of the act with regard to mandatory debarment of corporations and the omission of such language in section 306(a)(2) with regard to mandatory debarment of individuals also demonstrates that Congress intended that the latter section be applied retroactively. Section 306(a)(1) of the act provides that mandatory debarment of corporations applies only to convictions ''after the date of enactment of this section.'' However, section 306(a)(2) of the act, which pertains to mandatory debarment of individuals, does not contain this limiting language. A commonly used rule of statutory construction states that where Congress includes particular language in one section of a statute but omits such language in another section of the same act, it is generally presumed that Congress acts intentionally and purposefully in the disparate inclusion or exclusion. (*I.N.S.* v. *Cardoza–Fonseca*, 107 S.Ct. 1207, 1213 (1987) (citing *Russelo* v. *United States*, 104 S.Ct. 296, 300 (1983)).) Accordingly, here Congress intended that section 306(a)(2) of the act have retroactive effect because it did not specify in section 306(a)(2) that it applied only to convictions ''after the date of enactment of this section'' as specified in section 306(a)(1) of the act.

The negative inference drawn from the omission in section 306(a)(2) of the act of the language in section 306(a)(1), which limits the latter section's effect to convictions after the date of enactment, arises directly from the disparate treatment of two provisions within a subsection which are much more closely related than the diverse sections of the Civil Rights Act of 1991 cited by appellant in *Landgraf*. The debarment provisions at issue involve two types of mandatory debarment, individual and corporate, while the provisions of the Civil Rights Act at issue in *Landgraf* involved the foreign application of Title VII, punitive and compensatory damages, and the right to a jury trial. Thus, the related debarment provisions make a clear showing of retroactive intent.

Moreover, even under *Landgraf*, ''negative inference'' may provide evidence of congressional intent regarding retroactive application of a statute. Courts applying the *(Landgraf)* analysis have found a sufficient showing of congressional intent based on negative inference drawn from the statutory language to justify retroactive application of the statute. (See *Scheidemann* v. *INS*, 83 F.3d 1517, 1524 (3rd Cir. 1996); *Nevada* v. *United States*, 925 F. Supp. 691, 693 (D. Nev. 1996) (the ''(*Landgraf*) Court did not preclude all future use of a negative inference analysis in support of retroactive intent'').) Similarly, the negative inference in the debarment provisions of the GDEA demonstrates the clear congressional intent for retroactive application of the statute.

3. The Remedial Goals of the GDEA Demonstrate That Congress Intended the GDEA To Be Applied Retroactively

The circumstances giving rise to the passage of the GDEA demonstrate that Congress intended the statute to be applied retroactively. Congress enacted the GDEA in order to restore the integrity of the drug approval process and to protect the public health. (See Generic Drug Enforcement Act of 1992, Pub. L. 102–282, Section 102, 106 Stat. 149, 149 (1992).) In order to restore consumer confidence in the drug industry, Congress intended that individuals convicted of felonies relating to the development or approval, or otherwise relating to the regulation, of drug products be prohibited from continuing to work in that industry. (See section 306(a)(2) of the act.) Construing the GDEA to permit the debarment of individuals whose felonious conduct occurred prior to the GDEA's enactment serves these remedial goals of the statute.

In *Bae* v. *Shalala*, 44 F.3d 489 (7th Cir. 1995), the Seventh Circuit upheld FDA's debarment under the GDEA of the former president of a generic drug manufacturing firm, based on his antecedent conviction for providing an ''unlawful gratuity'' to an FDA official. Although Bae argued that his debarment was ''retroactive punishment'' in violation of the Ex Post Facto Clause of the U.S. Constitution, the Seventh Circuit found that Bae's debarment was remedial, not punitive, and therefore did not violate the Ex Post Facto Clause. (*Bae*, 44 F.3d at 493, 495–96.) The Seventh Circuit recognized that, to achieve its remedial goal of restoring consumer confidence in the generic drug industry, Congress appropriately determined that it could prohibit felons such as Bae from future activity in the industry. (*Id.* at 496.)

Likewise, in *DiCola* v. *FDA*, 77 F.3d 504 (D.C. Cir. 1996), the Court of Appeals for the District of Columbia Circuit upheld the debarment of another former generic drug company executive, rejecting ex post facto, double jeopardy, and vagueness challenges to his debarment. The D.C. Circuit, like the Seventh Circuit, found that the GDEA legitimately achieved its remedial purposes by barring convicted felons from future contact with the industry. (*DiCola*, 77 F.3d at 507.)

The GDEA is not punitive, but accomplishes remedial goals by removing convicted felons from the industry they have exploited. The

remedial goals would not be achieved, however, if individuals convicted of felonies prior to the GDEA's enactment continued to work in the drug industry. Retroactive application of the GDEA is not only permissible, but necessary, because Congress' aim of restoring consumer confidence in the drug industry is only served by applying the statute to permit the debarment of individuals, like Mr. Girdhari, whose violations predate, and, in some cases, precipitated, the statute's enactment. (See *United States* v. *The Schooner Peggy*, 5 U.S. (1 Cranch) 103 (1801) (courts to adopt interpretation that serves overall purposes of the statute); see also *Scheidemann* v. *INS*, 83 F.3d 1517, 1521 (3rd Cir. 1996) (Congress's intent to be deduced from statutory scheme as a whole).) Thus, the remedial goals of the GDEA demonstrate that Congress intended the statute to be applied retroactively.

B. Retroactive Application of the Statute Violates the Ex Post Facto Clause

Mr. Girdhari argues that retroactive application of the debarment provisions of the GDEA to him violates the Ex Post Facto Clause of the U.S. Constitution because the debarment provisions, which were not in effect at the time of his criminal conduct, are punitive in nature.

An ex post facto law is one that reaches back to punish acts that occurred before the enactment of a law or that adds a new punishment to one that was already in effect when the crime was committed. (*Ex Parte Garland*, 4 Wall. 333, 337, 18 L.Ed. 366 (1866); *Collins* v. *Youngblood*, 110 S.Ct. 2715 (1990).) Mr. Girdhari claims that the debarment provisions are punitive in nature for several reasons.

First, Mr. Girdhari argues that the debarment provisions are punitive in nature because the GDEA punishes individuals for past behavior and deters future misconduct both by the individual who is debarred and by other individuals in the drug industry. Second, he argues that the debarment provisions' permanent prohibition on providing services ''in any capacity'' to a drug company constitutes an overly broad restriction which is punitive in nature. Third, he argues that such an overly broad restriction distinguishes his case from *DeVeau* v. *Braisted*, 80 S.Ct. 1146, 1155 (1960), in which the Supreme Court found the retroactive application of a law which prohibited convicted felons from union office was remedial in nature because the restriction was ''a relevant incident to a regulation of a present situation.'' Finally, he argues that application of the debarment provisions to individuals convicted of Federal felonies related to the regulation of animal drugs would not serve any remedial purpose, because the statute's remedial purpose is limited to ensuring the integrity of the human generic drug industry, safeguarding human health, and restoring human consumer confidence.

Mr. Girdhari's arguments that application of the debarment provisions of the act to him is prohibited by the Ex Post Facto Clause are unpersuasive. In determining whether a statute violates the Ex Post Facto Clause, the critical consideration is whether the provision is remedial or punitive in nature. Because the intent underlying debarment under section 306(a)(2) is remedial rather than punitive, application of the section to him does not violate the Ex Post Facto Clause. Mr. Girdhari's arguments are addressed in turn below.

1. Remedial Nature of the GDEA

Mr. Girdhari contends that the GDEA is punitive because it punishes past behavior and deters future misconduct. It is clear, however, that the statute is remedial in nature. Congress created the GDEA in response to findings of fraud and corruption in the generic drug industry. Congress made explicit findings regarding the necessity of the GDEA that were incorporated into section 1 of the statute and also were made part of the legislative history. (See H.R. Rep. No. 272, 102d Cong., 1st Sess. 10–11 (1991), reprinted in 1992 U.S.C.C.A.N. 103, 104–105.) Congress found that ''(1) there is substantial evidence that significant corruption occurred in FDA's process of approving drugs under abbreviated drug applications, (2) there is a need to establish procedures designed to restore and to ensure the integrity of the abbreviated drug application process and to protect the public health, and (3) there is a need to establish procedures to bar individuals who have been convicted of crimes pertaining to the regulation of drug products from working for companies that manufacture or distribute such products.'' (Generic Drug Enforcement Act of 1992, Pub. L. 102–282, Section 102, 106 Stat. 149, 149 (1992).)

Moreover, the Courts of Appeals for the District of Columbia Circuit and Seventh Circuits have held that the debarment provisions do not violate the Ex Post Facto Clause, because the provisions are remedial in nature, rather than punitive. (*DiCola* v. *F.D.A.*, 77 F.3d 504, 507 (D.C. Cir. 1996); *Bae* v. *Shalala*, 44 F.3d 489, 493 (7th Cir. 1995).) The court in Bae concluded, ''The clear and unambiguous intent of Congress in passing the GDEA was to purge the generic drug industry of corruption and to restore consumer confidence in generic drug products. The GDEA's civil debarment penalty is solely remedial * * *'' (*Bae* at 493.) The court in DiCola agreed with this conclusion. (*DiCola* at 507.)

Furthermore, the Supreme Court has long held that statutes that deny future privileges to convicted offenders because of their previous criminal activities in order to ensure against corruption in specified areas do not punish those offenders for past conduct and, therefore, do not violate the ex post facto prohibitions. (See, e.g., *Hawker* v. *New York*, 18 S.Ct. 573 (1898) (physician barred from practicing medicine for a prior felony conviction); *DeVeau* v. *Braisted*, 80 S.Ct. 1146 (1960) (convicted felon's exclusion from employment as officer of waterfront union is not a violation of the Ex Post Facto Clause).)

Contrary to Mr. Girdhari's contentions, the remedial nature of the GDEA is not diminished simply because the GDEA deters debarred individuals and others from future misconduct. The Supreme Court in *U.S.* v. *Halper*, 109 S.Ct. 1892, 1901, n.7 (1989), noted that ''for the defendant even remedial sanctions carry the sting of punishment.'' The Court found that such deterrent effects would not diminish the remedial nature of a civil sanction. (*Halper* at 1902.) Furthermore, the Supreme Court in *Hudson* v. *United States*, 118 S.Ct. 488, 494 (1997), stated, ''We have since [the *Halper* ruling] recognized that **all** civil penalties have some deterrent effect'' (emphasis added). (See *Department of Revenue of Mont.* v. *Kurth Ranch*, 114 S.Ct. 1937, 1945, n.14 (1994); *United States* v. *Ursery*, 116 S.Ct. 2135, 2145, n. 2 (1996).) The Court continued, ''(b)ut the mere presence of this purpose (deterrence) is insufficient to render a sanction criminal * * *'' (*Hudson* at 496.) As the court in *Bae* stated, ''The punitive effects of the GDEA are merely incidental to its overriding purpose to safeguard the integrity of the generic drug industry while protecting public health.'' (*Bae* at 493; see also *Mannochio* v. *Kusserow*, 961 F.2d 1539, 1542 (11th Cir. 1992).) Thus, Mr. Girdhari's argument that any incidental deterrent effects cause the statute to be punitive is without merit.

2. Permanent Prohibition on Services in Any Capacity

Mr. Girdhari argues that the GDEA's permanent prohibition on providing services ''in any capacity'' to a company

with an approved or pending drug application is an overly broad restriction which is punitive in nature.

a. *Prohibition on services in any capacity*. Mr. Girdhari contends that the prohibition on providing services ''in any capacity'' would include services that have ''no rational connection'' to the drug approval process. Mr. Girdhari argues that such a prohibition would not serve any remedial purpose of the statute and would constitute punishment for the debarred individual. Mr. Girdhari's arguments are unpersuasive for the reasons given below.

Congress enacted the GDEA in order to restore the integrity of the drug approval process and to protect the public health. All facets of the drug industry were implicated in the scandals that led to the enactment of the GDEA, including generic drug company executives, scientists at both generic and innovator firms, consultants, research laboratories, and FDA employees. (See H.R. Rep. No. 102–272, 102d Cong., 1st Sess., at 14 (1991).) In light of this background, Congress rationally concluded that in order to ensure the integrity of the drug approval process and to protect the public health, it was necessary, among other things, to unequivocally exclude from the drug industry those individuals, like Mr. Girdhari, who had previously engaged in fraudulent or corrupt acts with respect to the regulation of drugs. The D.C. Circuit in *DiCola* held that the debarment provisions' prohibition on services ''in any capacity'' serves the statute's remedial purpose. (*DiCola* at 507.) As the Seventh Circuit noted in *Bae*, ''the duration or severity of any employment restriction will not mark it as punishment where it is intended to further a legitimate governmental purpose.'' (*Bae* at 495.)

The breadth of the debarment imposed under the GDEA furthers the statute's remedial goals by promoting efficient administration of the debarment provisions, ensuring uniform treatment of offenders, and restoring public confidence in the pharmaceutical industry. Congress prohibited all services in the GDEA in order to avoid the serious administrative difficulties involved in distinguishing between those positions clearly related to drug regulation and those not so related. (*DiCola* at 507.) These difficulties would include the problem of ascertaining the exact nature of an employee's or contractor's relationship with an employer or the person entering the contract, as well as defining what constitutes a sufficient nexus with the regulatory scheme under all circumstances. (*DiCola* at 507; see also *Siegel* v. *Lyng*, 851 F.2d 412, 416 (D.C. Cir. 1988).)

Additionally, the GDEA's prohibition on services ''in any capacity'' ensures that the purposes underlying the debarment sanction are not circumvented or undermined. Any attempt to list or define particular areas of employment that are prohibited to debarred individuals would be subject to creative exploitation by those determined to reenter a familiar field. The D.C. Circuit in *DiCola* concluded that the agency would be especially concerned about ''any employment that might create an opportunity for regular and frequent contact'' between a debarred individual and the management of a drug company, because ''[t]he agency would find it very difficult, if not impossible, to assure itself and the public that [the individual] is not, through that contact, actually selling advice or other services related to the circumvention of Federal regulation.'' (*DiCola* at 507; see also *Farlee and Calfee, Inc.* v. *USDA*, 941 F.2d 964, 968 (9th Cir. 1991).)

Furthermore, courts have upheld many other types of debarment provisions that involved employment restrictions that were as broad, or broader than, the GDEA's prohibition on services ''in any capacity.'' For instance, the United States Supreme Court in *Hudson* v. *United States*, 118 S.Ct. 488 (1997), upheld a broad sanction that debarred participation in *any* banking activities. Furthermore, the Seventh Circuit Court of Appeals in *United States* v. *Furlett*, 974 F.2d 839, 844 (7th Cir. 1992), upheld a debarment order that prohibited a commodities trader from trading on any contract market, even as a retail customer of another broker. (See also *Manocchio* v. *Kusserow*, 961 F.2d 1539, 1541–42 (upholding exclusion from participation in *any* Medicare program); *United States* v. *Bizzell*, 921 F.2d at 267 (upholding exclusion from participation in *any* Housing and Urban Development program).)

Finally, Mr. Girdhari cites *Kennedy* v. *Mendoza-Martinez*, 83 S.Ct. 554, 568 (1963), in support of his argument that the prohibition on services ''in any capacity'' is not related to any remedial purpose of the GDEA. Specifically, Mr. Girdhari notes that the Supreme Court held in Kennedy that the excessive effect of a sanction relative to its remedial purpose is relevant in determining whether the sanction is civil or criminal. (*Kennedy* at 568.) The decision in *Kennedy*, however, does not support Mr. Girdhari's argument that debarment is a punitive sanction.

The Supreme Court in *Kennedy* listed the relevant factors, including whether a sanction's effect is excessive in relation to its nonpunitive purpose, to determine whether a civil penalty removing an individual's citizenship was in effect a criminal penalty requiring the procedural safeguards of the Fifth and Sixth Amendments. (*Kennedy* at 567–68.) As shown above, the GDEA's prohibition on providing services ''in any capacity'' to individuals with pending or approved drug product applications is necessary to promote the remedial purpose of the statute and, thus, is not excessive. Furthermore, the Supreme Court in *Hudson* v. *United States*, 118 S.Ct. 488 (1997), held that a debarment order was not a criminal punishment based, in part, on the factors set forth in *Kennedy*. As noted above, the debarment order at issue in *Hudson* was as broad as the GDEA's prohibition on providing services ''in any capacity''. Therefore, by the reasoning in *Kennedy*, the GDEA's prohibition on providing services ''in any capacity'' is not punitive.

b. *Permanence of the prohibition*. As for the prohibition's duration, both the District of Columbia and the Seventh Circuits have held that the permanence of the debarment is rationally related to the remedial goals of the statute. (*DiCola* at 507; *Bae* at 495.) The District of Columbia Circuit in *DiCola* stated, ''The permanence of the debarment can be understood, without reference to punitive intent, as reflecting a congressional judgment that the integrity of the drug industry, and with it public confidence in that industry, will suffer if those who manufacture drugs use the services of someone who has committed a felony subversive of FDA regulation.'' (*DiCola* at 507.) The Seventh Circuit in *Bae* emphasized that permanent debarment from providing services in any capacity is ''not disproportionate to the remedial goals of the GDEA or to the magnitude of (the defendant's) wrongdoing.'' (*Bae* at 496.) Additionally, the Supreme Court has upheld other statutes which, for remedial purposes, permanently bar a class or group of individuals from certain occupations due to a prior criminal conviction. (See *Hawker* v. *New York*, 18 S.Ct. 573 (1898); *DeVeau* v. *Braisted*, 80 S.Ct. 1146 (1960).) Therefore, Mr. Girdhari's argument that the permanent nature of the debarment is punitive must fail.

3. DeVeau

Mr. Girdhari contends that the GDEA can be distinguished from *DeVeau* because the permanent prohibition on

providing services ''in any capacity'' to an individual with an approved or pending drug application cannot be justified as ''incident to a regulation of a present situation'' and thus reveals punitive intent. However, the debarment provisions' prohibitions are clearly incident to regulation of a present situation and, as such, the Court's reasoning in *DeVeau* applies.

In *DeVeau*, the Court upheld a law that prohibited a convicted felon from employment as an officer in a waterfront union. The purpose of the law was to remedy the past corruption and to ensure against future corruption in the waterfront unions. The Court in *DeVeau*, 80 S.Ct. at 1155, stated:

The question in each case where unpleasant consequences are brought to bear upon an individual for prior conduct, is whether the legislative aim was to punish that individual for past activity, or whether the restriction of the individual comes about as a relevant incident to a regulation of a present situation * * *.

As with *DeVeau*, the legislative purpose of the relevant statute here is to ensure that fraud and corruption are eliminated from the drug industry and, therefore, the public's confidence in that industry will be restored. The restrictions placed on individuals convicted of a felony under Federal law are not intended as punishment but are intended to preserve the integrity of the drug approval process and protect the public health, purposes which are clearly ''incident to a regulation of a present situation'' and, as such, consistent with *DeVeau*. Therefore, this argument must also fail.

4. Applicability of GDEA to Animal Drug Convictions

Mr. Girdhari argues that the debarment provisions of section 306(a)(2) of the act cannot be retroactively applied to him because the remedial purposes of the GDEA are unrelated to the activities upon which his conviction was based. He contends that Congress intended the GDEA to apply to convictions involving human drugs, not animal drugs. Therefore, he concludes that retroactive application of section 306(a)(2) of the act to him would not serve any remedial purpose.

Mr. Girdhari's argument that section 306(a)(2) of the act cannot be retroactively applied to convictions involving animal drugs is unpersuasive. Congress clearly intended the GDEA to apply to convictions involving animal drugs. The Supreme Court has held repeatedly that the starting point for determining the meaning of a statute is the plain language of the statute. (*Norfolk & Western Railway Company* v. *American Train Dispatchers Association*, 111 S.Ct. 1156, 1163 (1991); *Mallard* v. *U.S. District Court for the Southern District of Iowa*, 109 S.Ct. 1814, 1818 (1989).) If the language of the statute is clear on its face, that language must ordinarily be regarded as conclusive. (*Negonsott* v. *Samuels*, 113 S.Ct. 1119, 1122 (1993).)

It is clear from the plain language of the GDEA that it explicitly includes animal drugs within its scope. Section 306(a)(2) of the act applies to ''an individual who has been convicted of a felony under Federal law for conduct relating to the regulation of *any drug product*.'' (emphasis added.) Additionally, section 306(a)(2) of the act debars such individual ''from providing services in any capacity to a person that has an approved or pending *drug product* application.'' (emphasis added.) Section 201(dd) of the act (21 U.S.C. 321(dd)) defines drug product specifically for the purpose of section 306 of the act as a drug subject to regulation under section 505, 507, 512, or 802 of the act (21 U.S.C. 355, 357, 360b, or 382), or section 351 of the Public Health Service Act. Section 512 of the act regulates both pioneer and generic animal drugs.

The intent of Congress to apply the debarment provisions to animal drug convictions is clearly shown by the reference to section 512 of the act in the definition of ''drug product'' in section 201(dd) of the act. Congress clearly intended the GDEA to ensure the integrity of the animal drug approval process and thereby protect the public health, because the plain language of the GDEA applies to convictions related to animal drugs. Therefore, Mr. Girdhari's argument that application of the GDEA to convictions related to animal drugs would not serve any remedial purpose and, as such, retroactive application of section 306(a)(2) of the act to him would be punitive, is without merit.

C. Retroactive Application of the Statute Violates the Due Process Clause

Mr. Girdhari argues that retroactive application of the GDEA violates the Due Process Clause of the U.S. Constitution. First, Mr. Girdhari relies on *Usery* v. *Turner Elkhorn Mining Co.*, 96 S.Ct. 2882, 2893 (1976), to argue that retroactive application of the GDEA is not justified under the Due Process Clause. Second, Mr. Girdhari argues that the terms of the GDEA as applied to him are overly vague.

1. Usery

Mr. Girdhari argues that even if the GDEA's main purpose is remedial, justification sufficient to support the prospective application of a statute under the Due Process Clause of the Constitution is not always sufficient to justify retrospective application of that statute. Mr. Girdhari cites *Usery* v. *Turner Elkhorn Mining Co.*, 96 S.Ct. 2882, 2893 (1976), in support of this argument. In that case the Court held that the retroactive application of a remedial statute designed to compensate disabled coal miners was not arbitrary and capricious under the Due Process Clause, although the Court noted that it would ''hesitate to approve the retrospective imposition of liability on any theory of deterrence * * * or blameworthiness.'' (Id. (citations omitted).)

Mr. Girdhari's argument is unpersuasive. Mr. Girdhari fails to demonstrate that his debarment is unrelated to any legitimate purpose, or that the retroactive application of the GDEA can only be justified on a theory of deterrence or blameworthiness. As shown above, debarment guards against future violations by prohibiting individuals ''from providing services in any capacity to a person that has an approved or pending drug product application'' in order to meet the legitimate regulatory purpose of restoring the integrity of the drug approval and regulatory process and protecting the public health. Additionally, as shown above, the remedial nature of the GDEA is not diminished simply because the GDEA deters debarred individuals and others from future misconduct. (*U.S.* v. *Halper*, 109 S.Ct. 1892, 1901, n.7 (1989); *Bae* v. *Shalala*, 44 F.3d 489, 493 (7th Cir. 1995).) Thus, the GDEA satisfies the requirements of the Due Process Clause for retroactive application.

2. Vagueness

Mr. Girdhari asserts that the statute's prohibition on providing services ''in any capacity'' is overly vague. The Supreme Court held in *Roberts* v. *United States Jaycees*, 104 S.Ct. 3244, 3256 (1984) (quoting *Connally* v. *General Construction Co.*, 46 S.Ct. 126, 127 (1926)), that ''a statute which either forbids or requires the doing of some act in terms so vague that [persons] of common intelligence must necessarily guess at its meaning and differ as to its application, violates the first essential of due process of law.'' The *Roberts* Court explained that the constitutional prohibition against such vague statutes ''enables individuals to conform their conduct to the requirements of the law.'' (*Roberts* at 3256.)

The terms of the debarment order, drawn from the language of the statute,

are sufficiently clear to allow Mr. Girdhari to conform his conduct to the requirements of the law. The court in *DiCola* held that the debarment order's prohibition on services ''in any capacity'' did not render the order unconstitutionally vague under the Due Process Clause of the U.S. Constitution. (*DiCola* at 509.)

The court explained that ''all direct employment by a drug company'' would be within the remedial scope of the debarment order. (*DiCola* at 509.) The court further explained that for employment by enterprises that provided goods or services to a drug company, a debarred individual would ''usually have a pretty good idea whether a position with a firm that is not itself a drug manufacturer runs afoul of the remedial purpose for which he has been debarred* * *'' (*DiCola* at 509.) Finally, the court in *DiCola* noted that a debarred individual could seek a prospective ruling about a specific employment opportunity by filing a citizen petition with the agency. (*DiCola* at 509.) Likewise, if Mr. Girdhari is uncertain whether a specific type of employment would be within the scope of the debarment order, he may file a citizen petition with the agency regarding his inquiry.

D. Application of the Statute Violates the Double Jeopardy Clause

Finally, Mr. Girdhari argues that the proposal to debar him under section 306(a)(2) of the act violates the Double Jeopardy Clause of the Fifth Amendment to the U.S. Constitution. The Double Jeopardy Clause states that no person shall ''be subject for the same offense to be twice put in jeopardy of life or limb.''

Mr. Girdhari argues that the proposed debarment constitutes additional punishment for activities for which he has already been punished. Furthermore, Mr. Girdhari relies on *U.S.* v. *Halper*, 490 U.S. 435 (1989), to argue that permanent debarment is not rationally related to any remedial purpose because such debarment unnecessarily reaches activities that are completely unrelated to drug regulation (e.g., photocopying documents for a drug company).

Mr. Girdhari's arguments are unpersuasive. The Supreme Court in *Hudson* v. *United States*, 118 S.Ct. 488 (1997), in large part disavowed the method of analysis used in *United States* v. *Halper*, 109 S.Ct. 1892 (1989), to determine whether a sanction violates the Double Jeopardy Clause. The Court in *Hudson* held that the Double Jeopardy Clause did not preclude the criminal prosecution for violation of Federal banking statutes of a defendant who had previously been permanently debarred from participating in any banking activities for the same conduct.

The Double Jeopardy Clause protects only against the imposition of multiple criminal punishments for the same offense in successive proceedings. *Hudson* v. *United States*, 118 S.Ct. at 493. The Double Jeopardy Clause does not prohibit the imposition of any additional sanction that could, ''in common parlance,'' be described as punishment. (Id. (internal quotation marks and citations omitted).) The Court in *Hudson* held that whether a particular punishment is criminal or civil is first a matter of statutory construction. (*Hudson* v. *United States*, 118 S.Ct. at 493 (quoting *Helvering* v. *Mitchell*, 58 S.Ct. 630, 633 (1938)).) That is, a court first must ask whether the legislature, ''in establishing the penalizing mechanism, indicated either expressly or impliedly a preference for one label or the other.'' (*Hudson* v. *United States*, 118 S.Ct. at 493 (quoting *United States* v. *Ward*, 100 S.Ct. at 2641).) Second, where the legislature has indicated an intention to establish a civil penalty, a court must inquire further whether the statutory scheme is ''so punitive either in purpose or effect,'' *Hudson* v. *United States*, 118 S.Ct. at 493 (quoting *United States* v. *Ward*, 100 S.Ct. at 2641), as to ''transform what was clearly intended as a civil remedy into a criminal penalty,'' *Hudson* v. *United States*, 118 S.Ct. at 493 (quoting *Rex Trailer Co.* v. *United States*, 76 S.Ct. 219, 222 (1956)).

The debarment of Mr. Girdhari is not a criminal penalty under *Hudson*. First, the legislature in enacting the GDEA intended clearly that debarment serve as a civil penalty. In *Hudson*, the Court found ''it significant that the authority to issue debarment orders is conferred [by statute] upon the appropriate Federal banking agencies','' holding ''[t]hat such [debarment] authority was conferred upon administrative agencies is prima facie evidence that Congress intended to provide for a civil sanction.'' (Id.) Here, the GDEA explicitly provides FDA, through the Secretary of Health and Human Services, with the authority to permanently debar individuals convicted of certain felonies, such as Mr. Girdhari, from ''providing services in any capacity to a person that has an approved or pending drug product application.'' (Section 306(a)(2) of the act.) Thus, under *Hudson*, the terms of the GDEA are prima facie evidence that Congress intended the debarment provisions to be civil in nature.

Under the second prong of *Hudson*, the debarment authorized by the GDEA is not so punitive either in purpose or effect as to transform this civil remedy into a criminal penalty. In *Hudson*, the Court considered whether a permanent debarment sanction prohibiting participation in any banking activities had such a punitive purpose or effect. The Court concluded that there was no evidence to establish that the debarment sanction at issue was ''so punitive in form and effect as to render [it] criminal despite Congress' intent to the contrary.'' (*Hudson* v. *United States*, 118 S.Ct. at 495 (quoting *United States* v. *Ursery*, 116 S.Ct. 2135, 2148 (1996)).) The Court in *Hudson* applied the analysis of *Kennedy* v. *Mendoza–Martinez*, 83 S.Ct. 554, 567–68 (1963), to reaching this holding.

In *Hudson*, the Court first noted that debarment proceedings have not historically been viewed as punishment. (*Hudson* at 495–96.) Second, the Court found that ''[debarment] sanctions do not involve an 'affirmative disability or restraint,' as that term is normally understood.'' (*Hudson* at 496 (quoting *Kennedy*, 83 S.Ct. at 567).) Third, the Court found that the debarment sanction in the banking statute at issue in that case does not ''come into play 'only' on a finding of scienter,'' because willfulness is not a prerequisite to the imposition of the debarment sanction. (Id. (quoting *Kennedy*, 83 S.Ct. at 567).) Likewise, the GDEA does not require a finding of willfulness as a prerequisite to imposing debarment. Fourth, the Court explained that the fact that the conduct for which the debarment is imposed may also be criminal is insufficient to render the debarment sanctions criminally punitive. (Id.) Finally, and significantly, the Court explained that the general deterrence of the conduct at issue resulting from an individual debarment is insufficient to render the debarment criminal. (Id.) These factors apply as much to debarment under the GDEA.

Furthermore, the GDEA's permanent prohibition on services in any capacity to a company with an approved or pending drug product application is not excessive in relation to the statute's remedial purpose. As shown above, both the District of Columbia and the Seventh Circuits have upheld the permanence of the debarment provisions as rationally related to the remedial goals of the statute, (*DiCola* at 507; *Bae* at 495.), and the Supreme Court has upheld similar statutes which, for remedial purposes, impose permanent prohibitions. (See *Hudson* v. *United States*, 118 S.Ct. 488 (1997); *Hawker* v. *New York*, 170 U.S. 189, 190

(1898); *DeVeau* v. *Braisted*, 80 S.Ct. 1146 (1960).)

The preclusion of Mr. Girdhari from providing any type of service to holders of pending or approved drug product applications is not excessive in relation to the remedial goals of the GDEA. As stated above, the D.C. Circuit has held that the GDEA's prohibition on services in any capacity serves the statute's remedial purpose. (*DiCola* at 507.) Congress prescribed all services in order to avoid the serious administrative difficulties involved in distinguishing between those positions clearly related to drug regulation and those not clearly related. (*DiCola* at 507; see also *Seigel* v. *Lyng*, 851 F.2d 412, 416 (D.C. Cir. 1988).) Furthermore, the GDEA's prohibition ensures that the purposes underlying the debarment provisions are not circumvented or undermined. (*DiCola* at 507; see also *Farlee and Calfee, Inc.* v. *USDA*, 941 F.2d 964, 968 (9th Cir. 1991).) Finally, as noted above, the Supreme Court in *Hudson* v. *United States*, 118 S.Ct. 488 (1997), upheld a similar statute which, for remedial purposes, imposes a prohibition on participation in any banking activity.

Under *Hudson*, debarment pursuant to the GDEA is not so punitive either in purpose or effect as to render the penalty criminal. Thus, Mr. Girdhari's argument that debarment under the GDEA violates the Double Jeopardy Clause must fail.

E. Conclusion

Mr. Girdhari acknowledges that he was convicted as alleged by FDA in its proposal to debar him and has raised no genuine and substantial issue of fact regarding this conviction. In addition, Mr. Girdhari's legal arguments do not create a basis for a hearing and, in any event, are unpersuasive. Accordingly, the Commissioner denies Mr. Girdhari's request for a hearing.

III. Findings and Order

Therefore, the Commissioner, under section 306(a) of the act, and under authority delegated to her (21 CFR 5.10), finds that Premchand Girdhari has been convicted of a felony under Federal law for conduct: (1) Relating to the development or approval, including the process for development or approval, of a drug product (section 306(a)(2)(A) of the act); and (2) relating to the regulation of a drug product (section 306(a)(2)(B) of the act).

As a result of the foregoing findings, Premchand Girdhari is permanently debarred from providing services in any capacity to a person with an approved or pending drug product application under section 505, 512, or 802 of the act, or under section 351 of the Public Health Service Act (42 U.S.C. 262), effective January 21, 2000, (sections 306(c)(1)(B) and (c)(2)(A)(ii) and 201(ee) of the act). Any person with an approved or pending drug product application who knowingly uses the services of Mr. Girdhari in any capacity, during his period of debarment, will be subject to civil money penalties (section 307(a)(7) of the act (21 U.S.C. 335b(a)(7))). In addition, FDA will not accept or review any abbreviated drug application submitted by or with Mr. Girdhari's assistance during his period of debarment (section 306(c)(1) of the act).

Mr. Girdhari may file an application to attempt to terminate his debarment, under section 306(d)(4)(A) of the act. Any such application would be reviewed under the criteria and processes set forth in section 306(d)(4)(C) and (d)(4)(D) of the act. Such an application should be identified with Docket No. 94N–0162 and sent to the Dockets Management Branch (address above). All such submissions are to be filed in four copies. The public availability of information in these submissions is governed by 21 CFR 10.20(j). Publicly available submissions may be seen in the Dockets Management Branch (address above) between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 13, 2000.

Bernard A. Schwetz,

Acting Deputy Commissioner for Food and Drugs.

[FR Doc. 00–1406 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0120]

Safety of Imported Foods; Public Meetings

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing two public meetings on the safety of imported foods. These meetings are intended to give an overview of, and discuss the six specific objectives of, the proposed plan announced by the President in his radio address of December 11, 1999. FDA and the U.S. Customs Service have developed proposed new operational procedures to accomplish these objectives. The public meetings also are intended to give the public an opportunity to comment on the proposed procedures.

DATES: See Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document.

ADDRESSES: See Table 1 in the **SUPPLEMENTARY INFORMATION** section of this document. Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: For general information regarding this document: Mary J. Ayling, Center for Food Safety and Applied Nutrition (HFS–32), Food and Drug Administration, 200 C St. SW., Rm. 3823, Washington, DC 20204, 202–260–5348, FAX 202–260–9653, e-mail: mayling@bangate.fda.gov. The comprehensive plan is available at http://www.foodsafety.gov.

SUPPLEMENTARY INFORMATION: On July 3, 1999, the President announced an initiative to ensure the safety of imported food by directing the Secretaries of the U.S. Department of Health and Human Services and the U.S. Department of Treasury to develop new operational procedures to protect public health. This initiative is geared to optimize the statutory authorities and resources available to FDA and the U.S. Customs Service to take whatever steps are feasible to protect consumers from unsafe imported foods. The President directed the agencies to target unscrupulous importers who violate the rules and work to subvert the system by moving unsafe foods into U.S. markets.

The agenda for the public meetings will include the following six specific objectives emphasized in the President's directive: (1) To prevent distribution of imported unsafe food by means such as requiring food to be held until reviewed by FDA; (2) destroy imported food that poses a serious public health threat; (3) prohibit the reimportation of food that has been previously refused admission and has not been brought into compliance and require the marking of shipping containers and/or papers of imported food that is refused admission for safety reasons; (4) set standards for the use of private laboratories for the collection and analysis of samples of imported food for the purpose of gaining entry into the United States; (5) increase the amount of the bond posted for

imported foods when necessary to deter premature and illegal entry into the United States; and (6) enhance enforcement against violations of U.S. laws related to the importation of foods, including through the imposition of civil monetary penalties.

The public meetings also will include an overview of the President's directive and a review of the new operational procedures proposed to accomplish each of the six objectives. The meetings will provide a forum for discussion of the proposed procedures. In addition to a plenary session, the meetings will provide the opportunity for additional discussion of the specific objectives. Three breakout sessions to discuss the following are planned: (A) Secured storage, increased bonds, enforcement activities; (B) destruction and marking of refused foods; and (C) standards for the use of private laboratories. The U.S. Customs Service will jointly present the objectives with FDA. Transcripts of the public meetings are not planned.

If you would like to attend a public meeting, send registration information (including name, title, firm name, mailing address, telephone number, fax number, e-mail address, and selection of breakout session A, B, or C) to the contact person listed for the meeting you wish to attend at least 7 days prior to the meeting date. Attendance will be limited due to seating capacity. There is no registration fee for this meeting.

Meeting Address	Date and Local Time	FDA Contact Person
IRVINE: Los Angeles District Office, 19900 MacArthur Blvd., suite 300, Irvine, CA 92612.	Thursday, February 10, 2000, 9 a.m. to 12 noon.	Irene Gomez, 222 West 6th St., suite 700, San Pedro, CA 90731, 310–831–6123, ext. 103, e-mail: igomez@ora.fda.gov.
WASHINGTON: Hubert H. Humphrey Bldg., 200 D St. SW., rm. 800, Washington, DC 20204.	Thursday, February 17, 2000, 9 a.m. to 12 noon.	Peter A. Salsbury, Executive Operations Staff (HFS–022), 200 C St. SW., Washington, DC 20204, 202–205–4299, e-mail: psalsbur@bangate. fda.gov.

Dated: January 12, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–1410 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99P–1720]

Approval of an Alternate Requirement of the User Labeling Requirements for Devices Containing Dry Natural Rubber that Contact Humans; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a document entitled ''Approval of an Alternative Requirement of the User Labeling Requirements for Devices that Contain Dry Natural Rubber that Contact Humans.'' FDA granted a petition submitted by the Health Industry Manufacturers Association (HIMA), on behalf of in vitro diagnostic device (IVD) manufacturers, that requested a variance from placing the warning statement about dry natural rubber on the immediate IVD package (vial) label. FDA is announcing the availability of its response to HIMA's petition in order to inform affected manufacturers and the public.

ADDRESSES: Submit written requests for single copies on a 3.5 diskette of the document entitled ''Approval of an Alternate Requirement of the User Labeling Requirements for Devices that Contain Dry Natural Rubber that Contact Humans'' to the contact person named below. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the alternative requirement document.

FOR FURTHER INFORMATION CONTACT: John J. Farnham, Center for Devices and Radiological Health (HFZ–321), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20852, 301–594–4616.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of September 30, 1997 (62 FR 51021), FDA issued a final rule, codified in 21 CFR § 801.437(e), requiring labeling statements on medical devices containing dry natural rubber that are intended to contact or likely to contact humans. The rule became effective on September 30, 1998. On June 3, 1999, HIMA requested a variance for in vitro diagnostic products that have vial labels too small to accommodate the required statement. The petition said that manufacturers of the products could place the warning on the outer package, as well as on a package insert. On September 10, 1999, FDA issued a letter granting HIMA's petition.

II. Electronic Access

In order to receive the document entitled ''Approval of an Alternative Requirement of the User Labeling Requirements for Devices that Contain Dry Natural Rubber that Contact Humans,'' via your fax machine, call the CDRH Facts-On-Demand (FOD) system at 800–899–0381 or 301–827–0111 from the touch-tone telephone. At the first

voice prompt press 1 to access the Division of Small Manufacturers Assistance (DSMA) Facts, at second voice prompt press 2, and then enter the document number (1148) followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the alternative requirement may also do so using the Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphic, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the ''Approval of an Alternative Requirement of the User Labeling Requirements for Devices that Contain Dry Natural Rubber that Contact Humans,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, labeling matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. The document entitled ''Approval of an Alternative Requirement of the User Labeling for Devices that Contain Dry Natural Rubber that Contact Humans'' will be available at http://www.fda.gov/cdrh.

Dated: January 9, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–1409 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–4956]

Guidance for Industry: Alternative to Certain Prescription Device Labeling Requirements; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''Alternative to Certain Prescription Device Labeling Requirements.'' The FDA Modernization Act of 1997 (FDAMA) amended the Federal Food, Drug, and Cosmetic Act (the act) to require, at a minimum, that before dispensing, the labels of prescription drug products contain the symbol ''Rx only'' instead of the textual prohibition ''Caution: Federal law prohibits dispensing without prescription.'' Through this guidance, the Center for Devices and Radiological Health (CDRH) announces that, in its enforcement discretion, it will apply a similar amended standard for labeling of prescription devices.

DATES: Submit written comments concerning the guidance document at any time.

ADDRESSES: Submit written comments on the guidance document to the contact person listed below. Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Alternative to Certain Prescription Device Labeling Requirements'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological Health, Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850. Send two self-addressed adhesive labels to assist that office in processing your request, or fax your request to 301–443–8818. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

FOR FURTHER INFORMATION CONTACT: Casper E. Uldriks, Center for Devices and Radiological Health (HFZ–300), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, 301–594–4692.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of the guidance ''Alternative to Certain Prescription Device Labeling Requirements.'' Section 126 of Title I of FDAMA (Public Law 105–115), signed into law by President Clinton on November 21, 1997, amends prescription drug labeling requirements required by section 503(b)(4) of the act (21 U.S.C. 353(b)(4)) to require, at a minimum, that prior to dispensing, the label of prescription products contain the symbol ''Rx only.'' The agency announced this change for prescription drugs in the **Federal Register** of March 13, 1998 (63 FR 12473).

FDAMA did not direct the agency to amend the prescription device labeling regulation, found in the Code of Federal Regulations (CFR) at § 801.109(b)(1) (21 CFR 801.109 (b)(1)); however, CDRH believes manufacturers, repackers, relabelers, and distributors of prescription devices may wish to use the same symbol statement, ''Rx only,'' as an alternative to the text required by regulation. This alternative simplifies the labeling and still conveys, by custom and practice, essentially the same meaning. CDRH would like to minimize the burden on manufacturers, repackers, relabelers, and distributors that face many labeling requirements. Therefore, the agency will not object to the use of the statement ''Rx only'' as an alternative to the prescription device statement required by § 801.109(b)(1). This means that FDA will not view the use of the alternative symbol statement ''Rx only'' as a violation of the labeling requirements for prescription devices that would cause the device to be considered misbranded under section 502(f)(1) of the act (21 U.S.C. 352(f)(1)).

The alternative labeling may be implemented at the discretion of the firm responsible for labeling. Devices already in commercial distribution may immediately implement the labeling change. Devices undergoing premarket review may implement the change once the firm is notified the product may be marketed. In vitro diagnostic devices also fall within the scope of this guidance.

II. Significance of Guidance

This guidance document represents the agency's current thinking on the use of alternative labeling to prescription device labeling requirements. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the applicable statute, regulations, or both.

The agency has adopted Good Guidance Practices (GGP's), which set forth the agency's policies and procedures for the development, issuance, and use of guidance documents (62 FR 8961, February 27, 1997). This guidance document is issued as a Level 1 guidance consistent with GGP's. Public comment before implementation of this guidance is not necessary because the guidance presents a less burdensome policy that is consistent with the public health.

III. Electronic Access

In order to receive ''Alternative to Certain Prescription Device Labeling Requirements'' via your fax machine, call the CDRH Facts–On–Demand (FOD) system at 800–899–0381 or 301–827–0111 from a touch-tone telephone. At the first voice prompt press 1 to access DSMA Facts, at the second voice prompt press 2, and then enter the document number 1150 followed by the pound sign (#). Then follow the remaining voice prompts to complete your request.

Persons interested in obtaining a copy of the guidance may also do so using the

Internet. CDRH maintains an entry on the Internet for easy access to information including text, graphics, and files that may be downloaded to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the guidance ''Alternative to Certain Prescription Device Labeling Requirements,'' device safety alerts, **Federal Register** reprints, information on premarket submissions (including lists of approved applications and manufacturers' addresses), small manufacturers' assistance, information on video conferencing and electronic submissions, mammography matters, and other device-oriented information. The CDRH home page may be accessed at http://www.fda.gov/cdrh. The guidance ''Alternative to Certain Prescription Device Labeling Requirements'' will be available at http://www.fda.gov/cdrh/oc.

IV. Comments

Interested persons may at any time, submit written comments regarding this guidance document to the contact person listed above. Such comments will be considered when determining whether to amend the current guidance.

Dated: January 9, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–1407 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Health Professions Preparatory, Pregraduate, and Indian Health Professions Scholarship Programs

AGENCY: Indian Health Service, HHS.

ACTION: Update of Standing Notice of Availability of Funds for Health Professionals Preparatory, Pregraduate, and Indian Health Professions Scholarship Programs published in 62 FR 5443, February 5, 1997.

SUMMARY: The Indian Health Service (IHS) announces the availability of approximately $3,750,000 to fund scholarships for the for the Health Professions Preparatory and Pregraduate Scholarship Programs for FY 2000 awards. These programs are authorized by section 103 of the Indian Health Care Improvement Act (IHCIA), Pub.L. 94–437, as amended by Pub.L. 100–713, Pub.L. 102–573, and Pub.L. 104–313. The Indian Health Scholarship (Professions) authorized by section 104 of the IHCIA, Pub.L. 94–437, as amended by Pub.L. 100–713, Pub.L. 102–573, and Pub.L. 104–313, has approximately $7,895,000 available for FY 2000 awards.

Part-time and full-time scholarships will be funded for each of the three scholarships programs for the academic year 2000–2001.

The Health Professions Preparatory Scholarship Grant Program is listed as No. 93.123 in the Office of Management and Budget.

Catalog of Federal Domestic Assistance (CFDA). The Health Professions Pregraduate Scholarship Grant Program is listed as No. 93.971 and the Indian Health Professions Scholarship Grant Program is listed as No. 93.972 in the CFDA.

DATE: The application deadline for both new and continuing applicants is April 1, 2000. If April 1 falls on the weekend, the application will be due on the following Monday. Applications will be considered as meeting the deadline if they are received by the appropriate Scholarship Coordinator on the deadline date or postmarked on or before the deadline date. (Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing.)

Applications: New applicants applying for scholarships under the three programs must use the forms contained in the ''Application for Participation in the IHS Scholarship Program'' (OMB No. 0917–0006, 04/30/2001). Application packets may be obtained by calling or writing to the addresses listed below.

FOR FURTHER INFORMATION CONTACT: Please address application inquiries to the appropriate Indian Health Service Area Scholarship Coordinator, as listed below.

IHS area office and States/locality served	Scholarship coordinator/address
Aberdeen Area IHS: Iowa, Nebraska, North Dakota, South Dakota	Ms. Lila Jean Topalian, Scholarship Coordinator, Aberdeen Area IHS, Federal Building, Room 309, 115 4th Avenue, SE., Aberdeen, SD 57401, Tele: 602–226–7553.
Alaska Area IHS: Alaska	Acting Scholarship Coordinator, Alaska Area IHS, 4141 Ambassador Drive, Rm. 349, Anchorage, Alaska 99508, Tele: 907–729–1332.
Albuquerque Area IHS: Colorado, New Mexico	Ms. Alvina Waseta, Scholarship Coordinator, Albuquerque Area IHS, 5300 Homestead Road, NE, Albuquerque, NM 87110, Tele: 505–248–4513.
Bemidji Area IHS: Illinois, Indiana, Michigan, Minnesota, Wisconsin	Ms. Barbara Fairbanks, Scholarship Coordinator, Bemidji Area IHS, 522 Minnesota Avenue, NW, Bemidji, MN 56601, Tele: 218–759–3350.
Billings Area IHS: Montana, Wyoming	Mr. Sandy MacDonald, Scholarship Coordinator, Billings Area IHS, Area Personnel Office, P.O. Box 2143, 2900 4th Avenue, North, Billings, MT 59103, Tele: 406–247–7210.
California Area IHS: California, Hawaii	Ms. Mona Celli, Scholarship Coordinator, California Area IHS, 1825 Bell Street, Suite 200, Sacramento, CA 95825, Tele: 916–566–7033.
Nashville Area IHS: Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, District of Columbia.	Mr. Jesse Thomas, Scholarship Coordinator, Nashville Area IHS, 711 Stewarts Ferry Pike, Nashville, TN 37214, Tele: 615–736–2436.

IHS area office and States/locality served	Scholarship coordinator/address
Navajo Area IHS: Arizona, New Mexico, Utah	Ms. Roselinda Allison, Scholarship Coordinator, Navajo Area IHS, P.O. Box 9020, Window Rock, AZ 86515, Tele: 520–871–1422.
Oklahoma City Area IHS: Kansas, Missouri, Oklahoma	Ms. Barbara Roy, Scholarship Coordinator, Oklahoma City Area IHS, Five Corporate Plaza, 3625 NW 56th Street, Oklahoma City, OK 73112, Tele: 405–951–3939.
Phoenix Area IHS: Arizona, Nevada, Utah	Ms. Lena Fast Horse, Scholarship Coordinator, Phoenix Area IHS, Two Renaissance Square, 40 North Central Avenue, Suite #600, Phoenix, AZ 85004, Tele: 602–364–5220.
Portland Area IHS: Idaho, Oregon, Washington	Ms. Darlene Marcellay, Scholarship Coordinator, Portland Area IHS, 1220 SW Third Avenue, Rm. 440, Portland, OR 97204–2892, Tele: 503–326–2015.
Tucson Area IHS: Arizona, Texas	Mr. Cecil Escalante, Scholarship Coordinator, Tucson Area IHS, 7900 South J. Stock Road, Tucson, AZ 85746, Tele: 520–295–2441.

Other programmatic inquiries may be addressed to Ms. Rose Jerue, Chief, Scholarship Branch, Indian Health Service, Twinbrook Metro Plaza, Suite 100, 12300 Twinbrook Parkway, Rockville, Maryland, 20852; Telephone 301–443–6197. (This is not a toll free number.) For grants information, contact Ms. Margaret Griffiths, Acting Grants Scholarship Coordinator, Grants Management Branch, Division of Acquisition and Grants Operations, Indian Health Services, Room 100, 12300 Twinbrook Parkway, Rockville, Maryland, 20852; Telephone 301–443–0243. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: An addition to the list of priority health professionals for Indian Health Scholarships (Professions) that was published in 62 FR 5443, February 5, 1997, is Coding Specialist-Certificate.

Deletions from the list of priority health professions for Indian Health Scholarships (Professions) that was published in 62 FR 5443, February 5, 1997, are Accounting (B.S.), Business Administration (B.S., M.B.A.), and Computer Science (B.S.).

A deletion from the list of priority career categories for Health Professions Preparatory scholarships is Pre-Accounting.

Dated: January 13, 2000.

Michel E. Lincoln,

Deputy Director.

[FR Doc. 00–1403 Filed 1–20–00; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Data Collection; Comment Request; Clinical, Laboratory, and Epidemiologic Characterization of Individuals at High Risk of Cancer

SUMMARY: In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed extension of existing data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection

Title: Clinical, Laboratory, and Epidemiologic Characterization of Individuals at High Risk of Cancer.

Type of Information Collection Request: Extension of OMB No. 0925–0194 (Expiration date 06/30/00).

Need and Use of Information Collection: This ongoing research study will identify cancer-prone persons in order to learn about cancer risk and cancer causes in individuals and families. The primary objectives of this research study are to utilize clinical, laboratory, and epidemiologic approaches in studies of individuals and families at high risk of cancer to identify and further characterize cancer susceptibility factor. Respondents are members of families in which multiple cancers are thought to have occurred. Information about the occurrence of cancer is collected and reviewed to determine eligibility for further etiologic study. Participation is entirely voluntary. The findings will lead to a better understanding of the causes and risk factors for selected cancers, which may reduce cancer incidence, and promote the earlier diagnosis of some cancers.

Frequency of Response: One time.

Affected Public: Individuals or households.

Type of Respondents: Adults.

The annual reporting burden is as follows:

Estimated Number of Respondents: 600 per year.

Estimated Number of Responses per Respondent: 1.

Average Burden Hours Per Response: 75.

Estimated Total Annual Burden Hours Requested: 450.

The annualized cost to respondents is estimated at: $4,500. There are no Capital Costs to report. There are no Operating or Maintenance Costs to report.

Request for Comments

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on this project or to obtain a copy of the data collection plans and instrument, write to Dr. Margaret Tucker, Chief, Genetic Epidemiology Branch, National Cancer Institute, NIH, Executive Plaza South, Room 7122, 6120 Executive Blvd., Bethesda, MD 20892, or call non-toll-free number (301) 496–4375, or E-mail your request, including your address to: tuckerp@mail.nih.gov.

Comments Due Date

Comments regarding this information collection are best assured of having their full effect if received on or before 60 days from the date of this publication.

Dated: January 12, 2000.

Reesa Nichols,

OMB Project Clearance Liaison.

[FR Doc. 00–1422 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICE

National Institutes of Health

Government-Owned Invention; Availability for Licensing: ''Therapeutic Methods to Treat Tumor Cells—Mutated Anthrax Toxin Protective Antigen Proteins That Specifically Target Cells Containing High Amounts of Cell-Surface Metalloproteinases or Plasminogen Activators''

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

ADDRESSES: Licensing information and a copy of the U.S. patent application referenced below may be obtained by contacing J.R. Dixon, Ph.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7056 ext 206; fax 301/402–0220; E-Mail: jd212g@NIH.GOV). A signed Confidential Disclosure Agreement is required to receive a copy of any patent application.

SUPPLEMENTARY INFORMATION:

Invention Title: ''Mutated Anthrax Toxin Protective Antigen Proteins that Specifically Target Cells Containing High Amounts of Cell-Surface Metalloproteinases or Plasminogen Activators.''

Inventors: Drs. Stephen H. Leppla (NIDCR), Shi-Hui Liu (NIDCR), Sarah Netzel-Arnett (NIDCR), Henning Birkedal-Hansen (NIDCR), and Thomas H. Bugge (NIDCR).

USPA SN: 60/155,061 [=DHHS Ref. No. E–293–99/0]—Filed with the U.S.P.T.O. on Friday, September 24, 1999.

Abstract

Anthrax toxin is a three-part toxin secreted by *Bacillus anthracis* consisting of Protective Antigen (''PA'', 83kDa), Lethal Factor (''LF'', 90 kDa) and Edema Factor (''EF'', 89kDa), which are individually non-toxic. PA, recognized as central, receptor-binding component, binds to an unidentified receptor and is cleaved at the sequence $RKKR_{167}$ by cell-surface furin or furin-like proteases into two fragments: PA63, a 63 kDa C-terminal fragment, which remains receptor-bound and PA20, a 20 kDa N-terminal fragment, which is released into the medium. The resulting hetero-oligomeric complex is internalized by endocytosis and acidification of the vesicle causes insertion of the PA63 heptamer into the endosomal membrane to produce a channel through which LF or EF translocate to the cytosol, where LF or EF induce cytotoxic events. Thus, the combination of PA+LF, named anthrax lethal toxin, kills animals and certain cultured cells, due to intracellular delivery and action of LF, recently proven to be a zinc-dependent metalloprotease that is known to cleave at least two targets, mitogen-activated protein kinase kinase 1 and 2. The combination of PA+EF, named edema toxin, disables phagocyte and probably other cells, due to the intracellular adenylate cyclase activity of EF.

Technology

The technology disclosed in the 60/155,961 patent application relates to anthrax toxin protective antigen (PA) mutants in which the furin site is replaced by sequences specifically cleaved by matrix metalloproteinases (MMPs) or plasminogen activators. These MMP or plasminogen activator targeted PA mutants are only activated by plasminogen activator or MMP-expressing tumor cells so as to specifically deliver a toxin or a therapeutic agent. This is important because a wide variety of tumor cell lines and tissues overexpress MMPs or plasminogen activators, and this overexpression is highly correlated to tumor invasion and metastasis. Activation of these mutants occurs mainly on the cell surface and the targeted agent is then translocated to the interior of the cell. Current treatment models include the use of MMP inhibitors. The disclosed technology provides a viable alternative to this model and has the advantage of being highly targetable and specific to tumor cells expressing MMPs or plasminogen activators.

The above mentioned Invention is available, including any available foreign intellectual property rights, for licensing.

Dated: January 12, 2000.

Jack Spiegel,

Division of Technology Development & Transfer, Office of Technology Transfer.

[FR Doc. 00–1423 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Invention; Availability for Licensing: ''Compositions and Methods for Specifically Targeting Tumors—Using a Blocker Reagent''

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

ADDRESSES: Licensing information and a copy of the U.S. patent application referenced below may be obtained by contacting J.R. Dixon, Ph.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804 (telephone 301/496–7056 ext 206; fax 301/402–0220; E-Mail: jd212g@NIH.GOV). A signed Confidential Disclosure Agreement is required to receive a copy of any patent application.

SUPPLEMENTARY INFORMATION: *Invention Title:* ''Compositions and Methods for Specifically Targeting Tumors''

Inventors: Drs. Waldemar Debinski (EM) and Raj K. Puri (U.S.F.D.A.).

USPA SN: 08/706,207 [=DHHS Ref. No. E–042–00/0]—Filed with the U.S.P.T.O. on August 30, 1996.

Abstract

In a chimeric molecule, two or more molecules that exist separately in their native state are joined together to form

a single entity (i.e., molecule) having the desired functionality of all of its constituent molecules. Frequently, one of the constituent molecules of a chimeric molecule is a ''targeting molecule''. The targeting molecule is a molecule such as a ligand or an antibody that specifically binds to its corresponding target, for example a receptor on a cell surface. Thus, for example, where the targeting molecule is an antibody, the chimeric molecule will specifically bind (target) cells and tissues bearing the epitope to which the antibody is directed.

Another constituent of the chimeric molecule may be an ''effector molecule''. The effector molecule refers to a molecule that is to be specifically transported to the target to which the chimeric molecule is specifically directed. The effector molecule typically has a characteristic activity that is desired to be delivered to the target cell. Effector molecules include cytotoxins, labels, radionuclides, other ligands, drugs, prodrugs, liposome, etc. In particular, where the effector component is a cytotoxin, the chimeric molecule may act as a potent cell-killing agent specifically targeting the cytotoxin to cells bearing a particular target molecule. For example, chimeric fusion protein which include interleukin–4 (''IL–4'') or transforming growth factor (RGFα'') fused to *Pseudomonas exotoxin* (''PE'') or interleukin–2 (''IL–2'') fused to Diphtheria toxin (''DT'') have been shown to specifically target and kill cancer cells.

Generally, it is desirable to increase specificity and affinity and decrease cross-reactivity of chimeric cytotoxins with targets to be spared in order to increase their efficacy. To the extent a chimeric modecule preferentially selects and binds to its target (*e.g.,* a tumor cell) and not to a non-target (e.g., a healthy cell), side effects of the chimeric molecule will be minimized. Unfortunately, many targets to which chimeric cytotoxins have been directed (e.g., the IL–2 receptor), while showing elevated expression on tumor cells, are also expressed to some extent, and often at significant levels, on healthy cells. Thus, chimeric cytotoxins directed to these targets frequently show adverse side-effects as they bind non-target (e.g., healthy) cells that also express the targeted receptor.

Technology

The technology disclosed in the 08/706,207 patent application is directed to a method and compositions to deliver an effector molecule to tumor cell. Specifically the technology relates to a chimeric molecule that specifically binds to IL–13 receptors which when combined with a blocker reagent (e.g., interleukin–4, an interleukin–4 antagonist, an interleukin–4 receptor binding antibody etc.) specifically delivers receptor directed cytotoxins to tumors over expressing IL–13 receptors without causing undesired cytotoxicity to normal cells. This is because a variety of human cancer cells including brain tumors, kidney tumors, and AIDS-associated Kaposi's tumors etc. over express private IL–13 receptors and normal cells express low levels of shared IL–13 receptors with IL–4 receptors. IL–13 cytotoxin remains very cytotoxic to cancel cells in the presence of IL–4 receptor blocker agents while cytotoxicity and undesired side effects of cytotoxin administration are prevented in normal cells. This approach provides unique specificity of delivering IL–13 receptor directed cytotoxic agents to cancer cells.

The above mentioned Invention is available for licensing.

Dated: January 12, 2000.

Jack Spiegel, Ph.D.,

Director, Division of Technology Development & Transfer, Office of Technology Transfer.

[FR Doc. 00–1424 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The invention listed below is owned by an agency of the U.S. Government and is available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally funded research and development.

ADDRESSES: Licensing information and a copy of the U.S. patent application referenced below may be obtained by contacting J.E. Fahner-Vihtelic at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; Telephone: 301/496–7735 ext. 270; Fax: 301/402–0220; E-mail; jf36z@nih.gov. A signed Confidential Disclosure Agreement is required to receive a copy of any patent application.

Artificial Salivary Gland

Bruce J. Baum et al. (NIDCR)

Serial No. 60/121,335
Filed 24 Feb 1999

The present application describes an artificial fluid secreting prosthetic device for non-invasive insertion and methods of using this device. Specifically, compositions and methods based on the discovery of an artificial fluid secreting prosthesis are disclosed in this application. Currently, there is no conventional effective treatment for salivary gland hypofunction. And although the transplantation of mammalian salivary glands has also been tried, this option has not proven desirable due to lack of sufficient donor supplies. To date, the inventors have performed experiments that have demonstrated: (1) Subjects having irradiated salivary gland cells can be induced to secrete fluid subsequent to transfer of a gene; (2) heterologous genes can be transferred to salivary gland cells; and (3) an artificial gland has been designed having a support, an attachment surface joined to the support, and a monolayer of allogenic cells, engineered to secrete ions and water unidirectionally, joined to the attachment surface.

Dated: January 11, 2000.

Jack Spiegel, Ph.D.,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 00–1425 Filed 1–20–00;8:45am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart, Lung, and Blood Institute Special Emphasis Panel Mentored Clinical Scientist Development Award.

Date: February 7–8, 2000.

Time: 8:00 p.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.
Contact Person: Eric H. Brown, Scientific Review Administrator, NIH, NHLBI, DEA, Rockledge Building II, 6701 Rockledge Drive, Suite 7204, Bethesda, MD 20892–7924, (301) 435–0299, browne@gwgate.nhlbi.nih.gov.

Name of Committee: National Heart Lung, and Blood Institute Special Emphasis Panel Demonstration and Education Research Grant Applicants.
Date: February 24, 2000.
Time: 9:00 a.m. to 4:00 p.m.
Agenda: To review and evaluate grant applications.
Place: Hilton National Airport Hotel, 2399 Jefferson Davis Highway, Arlington, VA 22202.
Contact Person: Louise P. Corman, Scientific Review Administrator, Review Branch, NIH, NHLBI, Rockledge Building II, 6701 Rockledge Drive, Suite 7180, Bethesda, MD 20892–7924, (301) 435–0270..

(Catalogue of Federal Domestic Assistance Programs Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: January 11, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1415 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Communication Disorders Review Committee.
Date: March 1–2, 2000.
Time: 8 a.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Latham Hotel, 3000 M Street, NW., Washington, DC 20007–3701.
Contact Person: Melissa Stick, Scientific Review Administrator, Scientific Review Branch, Division of Extramural Research, NIDCD/NIH, 6120 Executive Blvd., Bethesda, MD 20892, 301–496–8683.

(Catalogue of Federal Domestic Assistance Program Nos. 93.173, Biological Research Related to Deafness and Communicative Disorders, National Institutes of Health, HHS)

Dated: January 13, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1412 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the National Advisory Council on Alcohol Abuse and Alcoholism.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and person information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Alcohol Abuse and Alcoholism.
Date: February 9–10, 2000.
Closed: February 9, 2000, 7:00 PM to 9:00 PM.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Hotel, 5151 Pooks Hill Road, Bethesda, MD 20814.
Closed: February 10, 2000, 8:15 AM to 9:00 AM.
Agenda: To review and evaluate grant applications.
Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.
Open: February 10, 2000, 9:00 AM to 3:00 PM.
Agenda: Program documents.
Place: Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD 20892.
Contact Person: James F. Vaughan, Executive Secretary, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, PHS, DHHS, Bethesda, MD 20892.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: January 13, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1413 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of 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 Environmental Health Sciences Special Emphasis Panel Hazardous Materials Worker Health and Safety Training (RFA–99–009).

Date: February 22–24, 2000.
Time: 7:00 PM to 5:00 PM.
Agenda: To review and evaluate grant applications.
Place: Hawthorn Suites Hotel, 300 Meredith Drive, Durham, NC 27713.
Contact Person: Michael A. Oxman, Scientific Review Administrator, NIEHS,

Building 31, Room B1C02, 31 Center Drive, MSC 2256, 9000 Rockville Pike, Bethesda, MD 20892–2256, 301–496–9613.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel Hazardous Materials Worker Health and Safety Training for the DOE Nuclear Weapons Complex (RFA–99–010).

Date: February 24–25,2000.

Time: 7:00 PM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Hawthorn Suites Hotel, 300 Meredith Drive, Durham, NC 27713.

Contact Person: Michael A. Oxman, Scientific Review Administrator, NIEHS, Building 31, Room B1C02, 31 Center Drive, MSC 2256, 9000 Rockville Pike, Bethesda, MD 20892–2256, 301–496–9613.

(Catalogue of Federal Domestic Assistance Program Nos. 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing; 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences, National Institutes of Health, HHS)

Dated: January 13, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1414 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning Individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel HIV Vaccine Clinical Trial Units.

Date: February 10–11, 2000.

Time: 8:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: St. James Suites, St. James Room, 950 24th Street, NW., Washington, DC 20037.

Contact Person: Hagit S. David, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Brockledge Drive, MSC, 7610, Bethesda, MD 20892–7610, 301–496–2550.

(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: January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1417 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institutes on Aging; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel, To Review a Program Project Grant Application.

Date: January 25, 2000.

Time: 8:00 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Chevy Chase, Palladian East and Center Rooms, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Arthur Schaerdel, Scientific Review Administrator, The Bethesda Gateway Building, 7201 Wisconsin Avenue/Suite 2C212, Bethesda, MD 20892, (301) 496–9666.

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. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1418 Filed 1–20–00; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel, Vaccine Immunology Basic Research Centers.

Date: 8:30 AM to 5:30 PM.

Time: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, Mirage I Room, 2101 Wisconsin Ave., N.W., Washington, DC 20007.

Contact Person: Priti Mehrotra, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC, 7610, Bethesda, MD 20892–7610, 301–496–2550.

(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: January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1419 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public 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: Microbiology and Infectious Diseases Research Committee.

Date: March 6–8, 2000.

Open: March 6, 2000, 9:00 AM to 10:00 AM.

Agenda: Open for discussion of administrative details relating to committee business and program review.

Place: Holiday Inn Chevy Chase, Somerset Room, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Closed: March 6, 2000, 10:00 AM to adjournment.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Chevy Chase, Somerset Room, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Gary S. Madonna, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550.

(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: January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1420 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussion could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: January 20, 2000.

Time: 1:00 PM to 5:00 PM.

Agenda: To review and evaluate contract proposals.

Place: 6700–B Rockledge Drive, Rm. 2155, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Yen Li, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301 496–2550, Yli@niaid.nih.gov.

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 Transportation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1421 Filed 1–20–00; 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: Center for Scientific Review Special Emphasis Panel.

Date: February 1, 2000.

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: Eugene M. Zimmerman, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4202, MSC 7812, Bethesda, MD 20892, 301–435–1220, zimmerng@csr.nih.gov.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 4.

Date: February 2–3, 2000.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Georgetown Holiday Inn, 2101 Wisconsin Ave, N.W., Washington, DC 20007.

Contact Person: Marcia Steinberg, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5140, MSC 7840, Bethesda, MD 20892, (301) 435–1023.

Name of Committee: Cell Development and Function Initial Review Group, Cell Development and Function 2.

Date: February 3–4, 2000.

Time: 8:00 AM to 5:00 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, Chevy Chase, MD 20815.

Contact Person: Ramesh K. Nayak, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5146, MSC 7840, Bethesda, MD 20892, (301) 435–1026.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: February 3–4, 2000.

Time: 8:00 AM to 4:00 PM.

Agenda: To review and evaluate grant applications.

Place: Chevy Chase Holiday Inn, 5520 Wisconsin Ave., Chevy Chase, MD 20815.

Contact Person: Michael Micklin, 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.

(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)

January 12, 2000.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 00–1416 Filed 1–20–00; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4557–N–03]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: January 21, 2000.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: January 14, 2000.

Fred Karnas, Jr.,

Deputy Assistant Secretary for Special Needs Assistance Programs.

[FR Doc. 00–1321 Filed 1–20–00; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Species Permit Applications

ACTION: Notice of Receipt of Applications.

SUMMARY: The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to section 10(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531, *et seq.*).

Permit No. TE–20819

Applicant: Turner Collie & Braden, Inc., Houston, Texas.

Applicant requests authorization to conduct presence/absence surveys for the black-capped vireo (*Vireo atricapillus*), golden-cheeked warbler (*Dendroica chrysoparia*), red-cockaded woodpecker (*Picoides borealis*), and Houston toad (*Bufo houstonensis*) in various counties in Texas.

Permit No. TE–20844

Applicant: Engineering and Environmental Consultants, Inc. (EEC), Tucson, Arizona.

Applicant requests authorization to conduct presence/absence surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), and southwestern willow flycatcher (*Empidonax traillii extimus*) within Arizona.

Permit No. TE–21340

Applicant: HDR Engineering, Inc., Phoenix, Arizona.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*), cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*), and desert tortoise (Gopherus agassizii) in Arizona and Nevada.

Permit No. TE–001781

Applicant: Lewisville Aquatic Ecosystem Research Facility, Lewisville, Texas.

Applicant requests authorization to incidentally take fountain darter (*Etheostoma fonticola*) eggs during biomass harvest of hydrilla in Spring Lake.

Permit No. TE–21563

Applicant: Debra A. Steinberg, Peoria, Arizona.

Applicant requests authorization to conduct presence/absence surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*) in Pima and Pinal Counties, Arizona.

Permit No. TE–800900

Applicant: Lower Colorado River Authority, Austin, Texas.

Applicant requests authorization to conduct presence/absence surveys for the bald eagle (*Haliaeetus leucocephalus*) along the 5 central Texas lakes and the Colorado River's run to the Gulf of Mexico.

Permit No. TE–800923

Applicant: University of Arizona, Department of Ecology and Evolutionary Biology, Tucson, Arizona.

Applicant requests authorization for scientific research and recovery purposes to capture/collect from the wild and/or captive-bred specimens of the Gila topminnow (*Poeciliopsis occidentalis occidentalis*), Yaqui chub (*Gila purpurea*), desert pupfish (*Cyprinodon macularius*), and Colorado squawfish (*Ptychocheilus lucius*) from various sources and locations in Arizona.

Permit No. TE–21847

Applicant: USGS, Columbia Environmental Research Center, Columbia, Missouri.

Applicant requests authorization to conduct scientific research using the fountain darter (*Etheostoma fonticola*), the Colorado pikeminnow (*Ptychocheilus lucius*), and the razorback sucker (*Xyrauchen texanus*) using captive-bred specimens.

Permit No. TE–21873

Applicant: The Nature Conservancy, Texas Chapter, Ft. Hood, Texas.

Applicant requests authorization to net, band, and survey for the golden-cheeked warbler (*Dendroica chrysoparia*), and black-capped vireo (*Vireo atricapillus*) at Fort Hood in Bell and Coryell Counties, Texas.

Permit No. TE–21881

Applicant: TRC Co. Inc., Albuquerque, New Mexico.

Applicant requests authorization to conduct presence/absence surveys for the southwestern willow flycatcher (*Empidonax traillii extimus*) in New Mexico, Arizona, and Texas.

Permit No. TE—21887

Applicant: Karen L. Dryden, Litchfield Park, Arizona.

Application requests authorization to conduct presence/absence surveys for the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum)* in Pima and Pinal Counties, Arizona.

DATES: Written comments on these permit applications must be received on or before February 22, 2000.

ADDRESSES: Written data or comments should be submitted to the Legal Instruments Examiner, Division of Endangered Species/Permits, Ecological Services, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when submitting comments. All comments received, including names and addresses, will become part of the official administrative record and may be made available to the public.

FOR FURTHER INFORMATION CONTACT: The U.S. Fish and Wildlife Service, Ecological Services, Division of Endangered Species/Permits, P.O. Box 1306, Albuquerque, New Mexico 87103. Please refer to the respective permit number for each application when requesting copies of documents.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice, to the address above.

Susan MacMullin,

Programmatic Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.

[FR Doc. 00–1449 Filed 1–20–00; 8:45 am]

BILLING CODE 4510–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Receipt of Applications for Permit

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*):

Applicant: Harold L. Lyon Arboretum, University of Hawaii at Manoa, HI, PRT–021337.

The applicant requests a permit to export 500 seeds of *Achyranthes splendens* var. *rotundata* to Dr. Massimo Marcone, University of Guelph, Ontario, Canada. These seeds were artificially propagated at the Honolulu Botanical Garden Koko Crater site on Oahu. The export would be for scientific research purposes.

Applicant: Yukon E. Grubaugh, Anchorage, AK, PRT–021874.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*). Culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of the date of this publication.

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR 18).

Applicant: Zachary Sharp, University of New Mexico, Albuquerque, NM, PRT–021423.

Permit Type: Import for scientific research.

Name and Number of Animals: Atlantic walrus (*Odobenus rosmarus rosmarus*), 1 cross-section of canine tooth from each of 12 animals.

Summary of Activity to be Authorized: The applicant requests a permit to import cross-sections of canine teeth for the purpose of scientific research for a preliminary analysis to determine if tooth cementum shows significant variations in stable isotopes of carbon, nitrogen, and lead.

Source of Marine Mammals: Animals were taken as part of Canadian Inuit subsistence hunts from eastern Hudson Bay, Canada, in 1990–92.

Period of Activity: Up to 5 years, if issued.

Concurrent with the publication of this notice in the **Federal Register**, the Office of Management Authority is forwarding copies of these applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

Written data, comments or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Office of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358–2104 or fax 703/358–2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

Documents and other information submitted with the application are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act,* by any party who submits a written request for a copy of such documents to the above address within 30 days of the date of publication of this notice.

Dated: January 17, 2000.

Kristen Nelson,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 00–1488 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Final Environmental Impact Statement for the Proposed Cabazon Section 6 General Plan, Cabazon Indian Reservation, Riverside County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA) intends to file a Final Environmental Impact Statement (FEIS) for a general development plan and master lease of approximately 590 acres on the Cabazon Indian Reservation in Riverside County, California, with the U.S. Environmental Protection Agency, and that the FEIS is now available for final public review. Brief descriptions of the proposed action and alternatives follow as supplementary information.

DATES: A Record of Decision will be issued on or after February 22, 2000.

ADDRESSES: Copies of this FEIS may be obtained from Mr. William C. Allan, Regional Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825, telephone (916) 978–6043; or by contacting Reese-Chambers Systems Consultants, at (805) 386–4343. Copies of the FEIS have already been sent to all agencies and individuals who participated in the scoping process or public hearings, who commented on the Draft EIS, or who have already requested copies of the document.

FOR FURTHER INFORMATION CONTACT: Mr. William C. Allan, (916) 978–6043.

SUPPLEMENTARY INFORMATION: The BIA prepared this FEIS in cooperation with

the Cabazon Band of Mission Indians. The proposed action is a master lease and development plan for the Cabazon Resource Recovery Park. The lease area is approximately 590 contiguous acres of Indian trust land on the Cabazon Indian Reservation. It is located in Section 6, Township 7 South, Range 9 East, SBB&M, one mile northwest of the town of Mecca, California. Subleases from the master lease would be for a variety of recycling type industries. These include, but are not limited to, a materials recovery facility, a biomass gasification plant, a food and green waste conversion plant, an aquaculture facility, a used oil refinery, a platinum recycling facility, a paper de-inking and recycling plant and a medical waste disposal facility. Support infrastructure would include rail yards plus power generation/co-generation and sewage treatment facilities.

The principal alternatives to the proposed action that were analyzed for the FEIS include no action (no approval of the master lease) and a reduced scope project, which eliminates the paper de-inking and recycling plant and the medical waste disposal facility from the proposed action. The reduced scope alternative is environmentally preferred and is recommended for selection in the Record of Decision.

This notice is published pursuant to Section 1503.1 of the Council of Environmental Quality Regulations (40 CFR, Parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 437 *et seq.*) Department of the Interior Manual (510 DM1–7) and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: January 13, 2000.

Kevin Gover,

Assistant Secretary–Indian Affairs.

[FR Doc. 00–1457 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Draft Environmental Impact Statement for the Proposed Cortina Integrated Waste Management Project, Colusa County, CA

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the closing date of the public comment period for the Draft Environmental Impact Statement for the Proposed Cortina Integrated Waste Management Project, Colusa County, CA, which was announced in the **Federal Register** on December 20, 1999 (64 FR 71149), has been extended from February 15, 2000 to March 17, 2000.

DATES: The date by which written comments must arrive is extended from February 15, 2000 to March 17, 2000.

ADDRESSES: If you wish to comment, you may submit your comments by any one of several methods. You may mail or hand carry written comments to Ronald M. Jaeger, Regional Director, Pacific Region, Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, California 95825–1846. You may also comment via the Internet to billallan@bia.gov. Please submit Internet comments as an ASCII file, avoiding the use of special characters and any form of encryption. Include your name, return address and the caption, ''DEIS Comments, Cortina Integrated Waste Management Project, Cortina Indian Rancheria of Wintun Indians, Colusa County, California,'' on the first page of your written comments or Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (916) 978–6043.

Comments, including names and home addresses of respondents, will be available for public review at the above address during regular business hours, 8:00 a.m. to 4:30 p.m., Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish us to withhold your name and/or 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. Such requests will be honored to the extent allowed by law. We will not, however, consider anonymous comments. 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: William Allan, (916) 978–6043.

SUPPLEMENTARY INFORMATION: This notice is published in accordance with section 1503.1 of the Council on Environmental Quality Regulations (40 CFR Parts 1500 through 1508), implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*), and the Department of the Interior Manual (516 DM 1–6), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.

Dated: January 11, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

[FR Doc. 00–1456 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–660–00–1220–HA]

Restrictions on Use of Public Lands and Facilities

AGENCY: Bureau of Land Management, Department of the Interior, Palm Springs-South Coast Field Office, Desert District, California.

ACTION: Notice—Temporary closure of public lands and facilities to dogs.

SUMMARY: In compliance with Title 43 Code of Federal Regulations (CFR), Subpart 8364.1(c), notice is hereby given that the Bureau of Land Management (BLM) prohibits persons bringing dogs onto certain public lands within the Santa Rosa Mountains National Scenic Area (SRMNSA), Riverside County, whether leashed or free-roaming, except when said dogs remain inside a motor vehicle. The public lands hereby closed to dogs include all such lands within Section 36, Township 4 South, Range 4 East, San Bernardino Meridian (SBM) and Section 36, Township 5 South, Range 4 East, SBM, and public lands within the SRMNSA that lie east and southeast of, but not including, Township 5 South, Range 4 East, SBM. Public lands excepted from the closure are all such lands within NW¼ Section 24, Township 6 South, Range 6 East, SBM, and public lands within E½ Section 5, Township 5 South, Range 5 East, SBM that lie north of Dunn Road and below an elevation of 800 feet above sea level. This closure shall be in effect year-round from February 1, 2000, until completion of a comprehensive trails management plan which addresses all aspects of trail and trailhead use in the Santa Rosa Mountains National Scenic Area, including any restrictions pertaining to dogs. Persons requiring accompaniment by a seeing-eye dog and those using dogs to facilitate search and rescue or law enforcement operations are exempt from this order.

SUPPLEMENTARY INFORMATION: On March 18, 1998, the U.S. Fish and Wildlife Service declared through publication of a final rule (63 FR 13134) that the

distinct vertebrate population segment of bighorn sheep occupying the Peninsular Ranges of southern California was endangered pursuant to the Endangered Species Act of 1973, as amended. The current population of bighorn sheep in the United States' Peninsular Ranges approximates 335 animals distributed in eight known ewe groups (subpopulations) from the San Jacinto Mountains south to the Mexican border.

The Peninsular bighorn sheep is restricted to the east facing, lower elevation slopes (below 1,400 meters) of the Peninsular Ranges in the Sonoran desert life zone. Bighorn sheep are wide-ranging animals that require a variety of habitat characteristics that relate to topography, visibility, water availability, and forage quality and quantity. Steep topography is required for lambing and rearing habitat and escape terrain from predators. Open terrain with good visibility is critical because bighorn primarily rely on their sense of sight to detect predators. In their hot, arid habitat, water availability in some form is critical, especially during the summer. A wide range of forage resources and habitat types are needed to meet annual and drought-related variations in forage availability. Limiting factors apparently vary with each ewe group but are not well understood in all cases. The range of factors appears to include predation, urban-related sources of mortality, low rates of lamb recruitment, disease, habitat loss, and human-related disturbance.

A review of pertinent literature reveals that various prolonged disturbances to bighorn sheep may result in abandonment of lambing areas. Further, the stresses induced by dogs as exhibited by increases in bighorn sheep heart rates generally exceed the levels of stress caused by other factors. Whereas there is a recognized need to act swiftly to minimize the potential for abandonment of lambing areas by bighorn sheep during the lambing season, which occurs between January 1 and June 30, a temporary closure to dogs pending completion of a comprehensive trails management plan is appropriate. A year-round rather than a seasonal closure is instituted to avert associations by bighorn sheep of this area as occupied by dogs. Such closure reduces the potential for abandonment.

The comprehensive trails management plan is an element of the Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP). The CVMSHCP is currently in development. Those desiring to participate in the planning process should contact the individual cited below.

Any person who fails to comply with this order may be subject to the penalties provided in 43 CFR 8360.0–7.

FOR ADDITIONAL INFORMATION CONTACT: Jim Foote, BLM, Palm Springs-South Coast Field Office, P.O. Box 1260, North Palm Springs, CA 92258, telephone 760–251–4836.

Dated: January 12, 2000.

James G. Kenna,

Field Manager.

[FR Doc. 00–1447 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NM–930–00–1040–DE]

Notice of Extension of Public Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Extension of Public Comment Period for Thirty (30) Days.

SUMMARY: The Bureau of Land Management (BLM) announces the extension of the public comment on four Draft Riparian and Aquatic Habitat Management Plan Environment Impact Statements (DEISs) and Possible Resource Management Plan Amendments (RMPAs). The four documents are for the Taos Field Office, the Farmington Field Office, the Albuquerque Field Office and the Las Cruces Field Office.

The 30 day extension of the public comment period was granted for the four documents after BLM review of the reasons for the request for extensions on two of them. The thirty day extension starts immediately after the end of the ninety day (90) public comment period. The ninety (90) day public comment period ended January 12, 2000. The Thirty (30) extension of the public comment period starts January 13, 2000 and ends February 11, 2000.

ADDRESSES: Written comments on the Draft documents should be sent as follows:

Comment on the Draft Taos Field Office Riparian and Aquatic Habitat Management Plan and Possible RMP Amendment should be sent to: Taos Field Office, Taos HMP/EIS/RMPA Team Leader, 226 Cruz Alta Road, Taos, NM 87571–5983.

Comment on the Draft Farmington Field Office Riparian and Aquatic Habitat Management Plan and Possible RMP Amendment should be sent to: Farmington Field Office, Farmington HMP/EIS/RMPA Team Leader, 1235 La Plata Highway, Farmington, NM 87401–1808.

Comment on the Draft Albuquerque Field Office Riparian and Aquatic Habitat Management Plan and Possible RMP Amendment should be sent to: Albuquerque Field Office, Rio Puerco HMP/EIS/RMPA Team Leader, 435 Montano Road, NE, Albuquerque, NM 87107–4935.

Comment on the Draft Las Cruces Field Office Riparian and Aquatic Habitat Management Plan and Possible RMP Amendment should be sent to: Las Cruces Office, Mimbres HMP/EIS/RMPA Team Leader, 1800 Marquess Street, Las Cruces, NM 88005–3371.

Comments, including names and street addresses of respondents, will be available for public review at the above address during regular business hours (8:00 am to 4:30 pm) Monday through Friday, except holidays, and may be published as part of the EIS and possible RMPA. 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 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:

(1) Taos Field Office, Ram Herrera, 505–751–4705.

(2) Farmington Field Office, Bob Moore, 505–599–6311.

(3) Albuquerque Field Office, Jim Silva, 505–761–8901.

(4) Las Curces Field Office, Bill Merhege, 505–525–4369.

SUPPLEMENTARY INFORMATION: The two Draft Riparian and Aquatic Habitat Management Plan and Environmental Impact Statements and Possible RMP Amendments are being prepared to provide comprehensive riparian and aquatic management guidance for restoring and protecting riparian habitat under BLM jurisdiction.

Dated; January 14, 2000.

M.J. Chavez,

State Director.

[FR Doc. 00–1503 Filed 1–20–00; 8:45am]

BILLING CODE 4310–FB–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–610–09–0777–42]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will participate in a field tour of the BLM-administered public lands on Friday, February 25, 2000, and meet in formal session on Saturday, February 26 from 8 a.m. to 5 p.m. The Saturday meeting will be held in the Mirage East Conference Room at the Miracle Springs Hotel and Spa, located at 10625 Palm Drive, Desert Hot Springs, California. To reach the hotel, take the Palm Drive exit off Interstate 10 and drive north approximately six miles to the hotel, which will be on the left (west) side of Palm Drive.

The Council and interested members of the public will assemble for the field tour at the Miracle Springs Hotel parking lot at 7:15 a.m. and depart at 7:30 a.m. Members of the public are welcome to participate in the tour, but should plan on providing their own transportation, drinks, and lunch.

The Saturday meeting agenda will include discussions on the bioregional planning efforts and the proposed National Monument designation for the San Jacinto and Santa Rosa Mountains.

All Desert District Advisory Council meetings are open to the public. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the beginning of the meeting for topics not on the agenda.

Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, Public Affairs Office, 6221 Box Springs Boulevard, Riverside, California 92507–0714. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: Doran Sanchez at (909) 697–5220, BLM California Desert District External Affairs.

Dated: January 14, 2000.

Alan Stein,

Assistant District Manager.

[FR Doc. 00–1448 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–40–U

DEPARTMENT OF THE INTERIOR

NATIONAL PARK SERVICE

Gettysburg National Military Park Advisory Commission

AGENCY: National Park Service, Interior.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the date of the thirty-first meeting of the Gettysburg National Military Park Advisory Commission.

DATES: The public meeting will be held on February 16, 2000, from 7 p.m.–9 p.m.

LOCATION: The meeting will be held at Cyclorama Auditorium, 125 Taneytown Road, Gettysburg, Pennsylvania 17325.

AGENDA: Sub-Committee Reports, Federal Consistency Projects Within the Gettysburg Battlefield Historic District, Operational Update on Park Activities, Election of Officers for year 2000 and Citizens Open Forum.

FOR FURTHER INFORMATION CONTACT: John A. Latschar, Superintendent, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning agenda items. The statement should be addressed to the Advisory Commission, Gettysburg National Military Park, 97 Taneytown Road, Gettysburg, Pennsylvania 17325. Minutes of the meeting will be available for inspection four weeks after the meeting at the permanent headquarters of the Gettysburg National Military Park located at 97 Taneytown Road, Gettysburg, Pennsylvania 17325.

Dated: January 13, 2000.

John McKenna,

Acting Superintendent, Gettysburg NMP/ Eisenhower NHS.

[FR Doc. 00–1509 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Negotiations

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice.

SUMMARY: Notice is hereby given of proposed contractual actions pending through December 31, 1999, and contract actions that have been completed or discontinued since the last publication of this notice on October 21, 1999. From the date of this publication, future quarterly notices during this calendar year will be limited to new, modified, discontinued, or completed contract actions. This annual notice should be used as a point of reference to identify changes in future notices. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities. Additional Bureau of Reclamation (Reclamation) announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or writing the appropriate regional office at the address and telephone number given for each region in the supplementary information.

FOR FURTHER INFORMATION CONTACT: Sandra Simons, Manager, Water Contracts and Repayment Office, Bureau of Reclamation, PO Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2902.

SUPPLEMENTARY INFORMATION: Pursuant to section 226 of the Reclamation Reform Act of 1982 (96 Stat. 1273) and 43 CFR 426.20 of the rules and regulations published in *52 FR 11954*, Apr. 13, 1987, Reclamation will publish notice of the proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in *47 FR 7763*, Feb. 22, 1982, a tabulation is provided of all proposed

contractual actions in each of the five Reclamation regions. Each proposed action is, or is expected to be, in some stage of the contract negotiation process in 2000. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act (80 Stat. 383), as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to: (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. As a minimum, the regional director shall furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Acronym Definitions Used Herein

(BON) Basis of Negotiation
(BCP) Boulder Canyon Project
(CAP) Central Arizona Project
(CUP) Central Utah Project
(CVP) Central Valley Project
(CRSP) Colorado River Storage Project
(D&MC) Drainage and Minor Construction
(FR) Federal Register
(IDD) Irrigation and Drainage District
(ID) Irrigation District
(M&I) Municipal and Industrial
(NEPA) National Environmental Policy Act
(O&M) Operation and Maintenance
(P–SMBP) Pick-Sloan Missouri Basin Program
(PPR) Present Perfected Right
(RRA) Reclamation Reform Act
(R&B) Rehabilitation and Betterment
(SOD) Safety of Dams
(SRPA) Small Reclamation Projects Act
(WCUA) Water Conservation and Utilization Act
(WD) Water District

Pacific Northwest Region

Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5346.

1. Irrigation, M&I, and miscellaneous water users; Idaho, Oregon, Washington, Montana and Wyoming: Temporary or interim water service contracts for irrigation, M&I, or miscellaneous use to provide up to 10,000 acre-feet of water annually for terms up to 5 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

2. Rogue River Basin Water Users, Rogue River Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

3. Willamette Basin Water Users, Willamette Basin Project, Oregon: Water service contracts; $8 per acre-foot per annum.

4. Pioneer Ditch Company, Boise Project, Idaho; Clark and Edwards Canal and Irrigation Company, Enterprise Canal Company, Ltd., Lenroot Canal Company, Liberty Park Canal Company, Parsons Ditch Company, Poplar ID, Wearyrick Ditch Company, all in the Minidoka Project, Idaho; Juniper Flat District Improvement Company, Wapinitia Project, Oregon; Roza ID, Yakima Project, Washington: Amendatory repayment and water service contracts; purpose is to conform to the RRA (Public Law 97–293).

5. Bridgeport ID, Chief Joseph Dam Project, Washington: Warren Act contract for the use of an irrigation outlet in Chief Joseph Dam.

6. Palmer Creek WD Improvement Company, Willamette Basin Project, Oregon: Irrigation water service contract for approximately 13,000 acre-feet.

7. U.S. Fish and Wildlife Service and Boise-Kuna ID, Boise Project, Idaho: Memorandum of Agreement for the use of approximately 400 acre-feet of storage space annually in Anderson Ranch Reservoir. Water to be used for wildlife mitigation purposes (ponds and wetlands).

8. North Unit ID and/or City of Madras, Deschutes Project, Oregon: Long-term municipal water service contract for provision of approximately 125 acre-feet annually from the project water supply to the City of Madras.

9. North Unit ID District, Deschutes Project, Oregon: Repayment contract for reimbursable cost of dam safety repairs to Wickiup Dam.

10. Five individual contractors, Umatilla Project, Oregon: Repayment agreements for reimbursable cost of dam safety repairs to McKay Dam.

11. North Unit ID, Deschutes Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to convey non-project water.

12. Baker Valley ID, Baker Project, Oregon: Warren Act contract with cost of service charge to allow for use of project facilities to store non-project water.

13. Okanogan ID, Okanogan Project, Washington: SOD contract to repay District's share of cost of dam safety repairs to Salmon Lake Dam.

14. Trendwest Resorts, Yakima Project, Washington: Long-term water exchange contract for assignment of Teanaway River and Big Creek water rights to Reclamation for instream flow use in exchange for annual use of up to 3,500 acre-feet of water from Cle Elum Reservoir for a proposed resort development.

15. Milner ID, Minidoka-Palisades Projects, Idaho: Amendment of storage contracts to reduce the District's spaceholding in Palisades Reservoir by up to 5,162 acre-feet, thereby allowing use of this space by Reclamation for flow augmentation.

16. City of Cle Elum, Yakima Project, Washington: Contract for up to 2,170 acre-feet of water for municipal use.

Mid-Pacific Region

Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

1. Irrigation water districts, individual irrigators, MI and miscellaneous water users, Mid-Pacific Region projects other than CVP: Temporary (interim) water service contracts for available Project

water for irrigation, M&I, or fish and wildlife purposes providing up to 10,000 acre-feet of water annually for terms up to 5 years; temporary Warren Act contracts for use of Project facilities for terms up to 1 year; long-term contracts for similar service for up to 1,000 acre-feet annually.

Note. Copies of the standard forms of temporary water service contracts for the various types of service are available upon written request from the Regional Director at the address shown above.

2. Contractors from the American River Division, Buchanan Unit, Cross Valley Canal, Delta Division, Friant Division, Hidden Unit, Sacramento River Division, San Felipe Division, Shasta Division, Trinity River Division, and West San Joaquin Division, CVP, California: Early renewal of existing long-term and interim renewal water service contracts with contractors having contracts which expire between 2000 and 2001; water quantities for these contracts total in excess of 5.6M acre-feet. These contract actions will be accomplished through long-term renewal contracts pursuant to Public Law 102–575. Prior to completion of negotiation of long-term renewal contracts, existing interim renewal water service contracts may be renewed through successive interim renewal of contracts.

3. Redwood Valley County WD, SRPA, California: District is considering restructuring the repayment schedule pursuant to Public Law 100–516 or initiating new legislation to prepay the loan at a discounted rate. Prepayment option under Public Law 102–575 has expired.

4. El Dorado County Water Agency, CVP, California: M&I water service contract to supplement existing water supply: 15,000 acre-feet for El Dorado County Water Agency authorized by Public Law 101–514.

5. U.S. Fish and Wildlife Service, California Department of Fish and Game, Grasslands WD, CVP, California: Water service contracts to provide water supplies for refuges and private wetlands within the CVP pursuant to Public Law 102–575 and Federal Reclamation Laws; quantity to be contracted for is approximately 450,000 acre-feet.

6. Sutter Extension WD, Biggs-West Gridley WD, Buena Vista Water Storage District, and the State of California Department of Water Resources, CVP, California: Pursuant to Public Law 102–575, conveyance agreements for the purpose of wheeling refuge water supplies and funding District facility improvements and exchange agreements to provide water for refuge and private wetlands.

7. Mountain Gate Community Services District, CVP, California: Amendment of existing long-term water service contract to include right to renew. This amendment will also conform the contract to current Reclamation law, including Public Law 102–575.

8. Santa Barbara County Water Agency, Cachuma Project, California: Repayment contract for SOD work on Bradbury Dam.

9. CVP Service Area, California: Temporary water purchase agreements for acquisition of 20,000 to 200,000 acre-feet of water for fish and wildlife purposes as authorized by the Central Valley Project Improvement Act for terms of up to 3 years.

10. City of Roseville, CVP, California: Execution of long-term, Warren Act contract for conveyance of non-project water provided from the Placer County Water Agency. This contract will allow CVP facilities to be used to deliver non-project water to the City of Roseville for use within their service area.

11. Sacramento Municipal Utility District, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and assignment of up to 15,000 acre-feet of CVP water to the Sacramento County Water Agency. The amended contract will conform to current Reclamation law.

12. Mercy Springs WD, CVP, California: Partial assignment of about 7,000 acre-feet of Mercy Springs WD's water service contract to Westlands WD for agricultural use.

13. Santa Barbara County Water Agency, Cachuma Project, California: Contract to transfer responsibility for O&M and O&M funding of certain Cachuma Project facilities to the member units.

14. M&T, Inc., Sacramento River Water Rights Contractors, CVP, California: A proposed exchange agreement with M&T, Inc., to take Butte Creek water rights water from the Sacramento River in exchange for CVP water to facilitate habitat restoration.

15. East Bay Municipal Utility District, CVP, California: Amendment to long-term water service contract No. 14–06–200–5183A, to change the points of diversion.

16. Madera ID, Lindsay-Strathmore ID, and Delta Lands Reclamation District No. 770, CVP, California: Execution of 2- to 3-year Warren Act contracts for conveyance of non-project water in the Friant-Kern and/or Madera Canals when excess capacity exists.

17. Casitas Municipal WD, Ventura Project, California: Repayment contract for SOD work on Casitas Dam.

18. Centerville Community Services District, CVP, California: A long-term supplemental repayment contract for reimbursement to the United States for conveyance costs associated with CVP water conveyed to Centerville.

19. El Dorado ID, CVP, California: Execution of long-term Warren Act contract for conveyance of non-project water. This contract will allow CVP facilities to be used to deliver non-project water to the District for use within their service area.

20. Placer County Water Agency, CVP, California: Amendment of existing water service contract to allow for additional points of diversion and reduction in the amount of CVP water to be delivered from a maximum of 117,000 acre-feet to a maximum of 35,000 acre-feet. The amended contract will conform to current Reclamation law.

21. Langell Valley ID, Horsefly ID, and Tulelake ID, Klamath Project, Oregon: Repayment contract for SOD work on Clear Lake Dam.

22. Widren WD, CVP, California: Assignment of 2,940 acre-feet of Widren WD's water service contract to the City of Tracy. The assignment will require approval of conversion of the District's CVP irrigation water to M&I.

23. Warren Act Contracts, CVP, California: Execution of long-term Warren Act contracts with various entities for conveyance of non-project water in the Delta-Mendota Canal.

24. Tuolumne Utilities District (formerly Tuolumne Regional WD), CVP, California: Long-term water service contract for up to 9,000 acre-feet from New Melones Reservoir, and possibly long-term contract for storage of non-project water in New Melones Reservoir.

25. Sierra Pacific Power Company, Town of Fernley, State of California, City of Reno, City of Sparks, Washoe County, State of Nevada, Truckee-Carson ID, and any other local interest or Native-American Tribal interest, who may have negotiated rights under Public Law 101–618; Nevada and California: Contract for the storage of non-Federal water in Truckee River reservoirs as authorized by Public Law 101–618 and the Preliminary Settlement Agreement. The contracts shall be consistent with the Truckee River Water Quality Settlement Agreement and the terms and conditions of the proposed Truckee River Operating Agreement.

26. City of Folsom, CVP, California: Contract to amend their water rights settlement contract's point of diversion.

27. Banta Carbona ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

28. Contra Costa WD, CVP, California: Amend water service contract No. I75r-3401 for the purpose of renegotiating the provisions of contract article 12, ''Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

29. Plain View WD, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

30. City of Redding, CVP, California: Amend water contract No. 14–06–200-5272A for the purpose of renegotiating the provisions of contract article 15, ''Water Shortage and Apportionment,'' to conform to current CVP M&I water shortage policy.

31. Tehama-Colusa Canal Authority, CVP, California: Amendment of existing long-term O&M agreement to also include the O&M of the Red Bluff Diversion Dam and related facilities.

32. Byron-Bethany ID, CVP, California: Long-term Warren Act contract for conveyance of non-project water in the Delta-Mendota Canal.

33. Resource Renewal Institute, CVP, California: Proposed water purchase agreement with Resource Renewal Institute for the permanent purchase of water rights on Butte Creek for instream flow purposes.

34. Sacramento Area Flood Control Agency, CVP, California: Execution of a long-term Operations Agreement for flood control operations of Folsom Dam and Reservoir to allow for recovery of costs associated with operating a variable flood control pool of 400,000 to 670,000 acre-feet of water during the flood control season. This agreement is to conform to Federal law.

35. Lower Tule River ID, Porterville ID, Vandalia ID, and Pioneer Water Company, Success Project, California: Repayment contract for the SOD costs assigned to the irrigation purpose of Success Dam.

The following contract action has been discontinued since the last publication of this notice on October 21, 1999.

1. (5) Naval Air Station and Truckee Carson ID, Newlands Project, Nevada: Amend water service agreement No. 14–06–400–1024 for the use of project water on Naval Air Station Land. This action has been postponed, but may be pursued at a later time.

Lower Colorado Region

Bureau of Reclamation, PO Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8536.

1. Milton and Jean Phillips, Cameron Brothers Construction Co., Ogram Farms, Bruce Church, Inc., and Sunkist Growers, Inc., BCP, Arizona: Colorado River water delivery contracts, as recommended by Arizona Department of Water Resources, with agricultural entities located near the Colorado River for up to 11,057 acre-feet per year total.

2. Armon Curtis, Arlin Dulin, Jack Rayner, Glen Curtis, Jamar Produce Corporation, and Ansel T. Hall, BCP, Arizona: Amendatory Colorado River water delivery contracts: To exempt each referenced contractor from the acreage limitation and full-cost pricing provisions of the RRA.

3. Brooke Water Co. and Havasu Water Co., BCP, Arizona: Contracts for additional Colorado River water to entities located along the Colorado River in Arizona for up to 1,540 acre-feet per year for domestic uses as recommended by the Arizona Department of Water Resources.

4. National Park Service for Lake Mead National Recreation Area, Supreme Court Decree in *Arizona* v. *California,* and BCP in Arizona and Nevada: Agreement for delivery of Colorado River water for the National Park Service's Federal Establishment PPR for diversion of 500 acre-feet annually and the National Park Service's Federal Establishment PPR pursuant to Executive Order No. 5125 (April 25, 1930).

5. Mohave Valley IDD, BCP, Arizona: Amendment of current contract for additional Colorado River water, change in service area, diversion points, RRA exemption, and PPRs.

6. Miscellaneous PPR entitlement holders, BCP, Arizona, and California: New contracts for entitlement to Colorado River water as decreed by the U.S. Supreme Court in *Arizona* v. *California,* as supplemented or amended, and as required by section 5 of the Boulder Canyon Project Act. Miscellaneous PPRs holders are listed in the January 9, 1979, Supreme Court Supplemental Decree in *Arizona* v. *California et al.*

7. Miscellaneous PPR No. 11, BCP, Arizona: Assign a portion of the PPR from Holpal to McNulty et al.

8. Federal establishment PPRs entitlement holders, BCP: Individual contracts for administration of Colorado River water entitlement of the Colorado River, Fort Mojave, Quechan, Chemehuevi, and Cocopah Indian Tribes.

9. United States facilities, BCP, Arizona and California: Reservation of Colorado River water for use at existing Federal facilities and lands administered by Reclamation.

10. Bureau of Land Management, BCP, Arizona: Contract for 1,176 acre-feet per year, for irrigation use, of Arizona's Colorado River water that is not used by higher-priority Arizona entitlement holders.

11. Curtis Family Trust et al., BCP, Arizona: Contract for 2,100 acre-feet per year of Colorado River water for irrigation.

12. Beattie Farms SW, BCP, Arizona: Contract for 1,890 acre-feet per year of unused Arizona entitlement of Colorado River water for irrigation use.

13. Arizona Game and Fish Department, BCP, Arizona: Contract for 250 acre-feet per year of unused Arizona entitlement of Colorado River water for environmental use until a permanent water supply can be obtained.

14. U.S. Fish and Wildlife Service, Lower Colorado River Refuge Complex, BCP, Arizona: Agreement to administer the Colorado River water entitlement for refuge lands located in Arizona to resolve water rights coordination issues, and to provide for an additional entitlement for nonconsumptive use of flow through water.

15. Hilander C ID, Colorado River Basin Salinity Control Project, Arizona: Colorado River water delivery contract for 4,500 acre-feet per year.

16. Maricopa-Stanfield IDD, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0047 to reschedule repayment pursuant to June 28, 1996, agreement.

17. Indian and non-Indian agricultural and MI water users, CAP, Arizona: New and amendatory contracts for repayment of Federal expenditures for construction of distribution systems.

18. Tohono O'odham Nation, SRPA, Arizona: Repayment contract for a $7.3 million loan for the Schuk Toak District.

19. San Tan ID, CAP, Arizona: Amend distribution system repayment contract No. 6–07–30–W0120 to increase the repayment obligation by approximately $168,000.

20. Central Arizona Drainage and Irrigation District, CAP, Arizona: Amend distribution system repayment contract No. 4–07–30–W0048 to modify repayment terms pursuant to final order issued by U.S. Bankruptcy Court, District of Arizona.

21. City of Needles, Lower Colorado Water Supply Project, California: Amend contract No. 2–07–30–W0280 to extend Needles water service subcontracting authority to the Counties of Imperial and Riverside.

22. Imperial ID/Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California:

Contract to fund the Department of the Interior's expenses to conserve All-American Canal seepage water in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act dated November 17, 1988.

23. Coachella Valley WD and/or The Metropolitan WD of Southern California, BCP, California: Contract to fund the Department of the Interior's expenses to conserve seepage water from the Coachella Branch of the All-American Canal in accordance with Title II of the San Luis Rey Indian Water Rights Settlement Act, dated November 17, 1988.

24. Southern Nevada Water Authority, Robert B. Griffith Water Project, BCP, Nevada: Amend the repayment contract to provide for the incorporation of the Griffith Project into the expanded southern Nevada Water System, funded and built by Southern Nevada Water Authority, to facilitate the diversion, treatment, and conveyance of additional water out of Lake Mead for which the Authority has an existing entitlement to use.

25. Salt River-Pima Maricopa Indian Community, CAP, Arizona: O&M contract for its CAP water distribution system.

26. Bullhead City, BCP, Arizona: Assignment of annual 1,800 acre-feet Colorado River water entitlement and associated service area from Mohave County Water Conservation District to Bullhead City, Arizona.

27. U.S. Army Proving Ground, BCP, Arizona: Agreement for 1,883 acre-feet of Colorado River water per year.

28. Arizona State Land Department, BCP, Arizona: Colorado River water delivery contract for 1,400 acre-feet per year for domestic use.

29. Miscellaneous PPR No. 38, BCP, California: Assign Schroeder's portion of the PPR to Murphy Broadcasting and change the place and type of water use.

30. Berneil Water Co., CAP, Arizona: Water service contracts associated with partial assignment of water service to the Cave Creek Water Company.

31. Tohono O'odham Nation, CAP, Arizona: Repayment contract for construction costs associated with water distribution system for Central Arizona IDD.

32. Tohono O'odham Nation, CAP, Arizona: Contracts for Schuk Toak and San Xavier Districts for repayment of Federal expenditures for construction of distribution systems.

33. Don Schuler, BCP, California: Temporary delivery contract for surplus and/or unused apportionment Colorado River water for domestic and industrial use on 18 lots of recreational homes.

34. Bureau of Land Management, BCP, California: Agreement for 1,000 acre-feet per year of Colorado River water in accordance with Secretarial Reservation.

35. Bureau of Land Management, BCP, Arizona: Agreement for 4,010 acre-feet per year of Colorado River water in accordance with Secretarial Reservations.

36. Arizona Public Service Company and Imperial ID, BCP, Arizona and California: Colorado River water delivery contract for up to 1,500 acre-feet per year of unused Arizona entitlement and/or surplus water.

37. Canyon Forest Village II Corporation, BCP, Arizona: Colorado River water delivery contract for up to 400 acre-feet per year of unused Arizona apportionment or surplus apportionment for domestic use.

38. Gila Project Works, Gila Project, Arizona: Title transfer of facilities and certain lands in the Wellton-Mohawk Division from the United States to the Wellton-Mohawk IDD.

39. McMicken ID, CAP, Arizona: Assignment of 486 acre-feet of M&I water per year to the City of Peoria.

40. ASARCO Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

41. BHP Copper, Inc., CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

42. Cyprus Miami Mining Corporation, CAP, Arizona: Amendment to extend deadline for giving notice of termination on exchange subcontract to December 31, 2000.

43. Bureau of Reclamation, BCP, Arizona and California: Surplus Colorado River water entitlements for environmental habitat improvement projects.

44. Agricultural and M water users, CAP, Arizona: Water service subcontracts for percentages of available supply reallocated in 1992 for irrigation entities and up to 640,000 acre-feet per year allocated in 1983 for M&I use.

45. Southern Nevada Water Authority, Robert B. Griffith Water Project, Nevada: Title transfer of physical facilities with interest in acquired lands and grant or assignment of perpetual rights or easements over Federal lands.

46. Hohokam IDD, CAP, Arizona: Amend water distribution system repayment contract to reflect final project costs.

47. Gila River Indian Community, CAP, Arizona: Amend CAP water delivery contract and distribution system repayment and operation, maintenance, and replacement contract pursuant to anticipated Gila River Indian Community Water Rights Settlement Agreement.

48. Basic Management, Inc., Salinity Project, Nevada: Title transfer of the Pitman Wash Bypass Demonstration Project Facilities and all interests in acquired lands and easements associated with an obligation to continue bypassing the water in Pitman Wash.

49. BHP Copper, Inc., CAP, Arizona: Proposed agreement and amendments to CAP water delivery subcontracts to transfer BHP Copper's CAP water allocation to the City of Scottsdale, Town of Carefree, and Tonto Hills Utility Company.

50. Litchfield Park Service Company, CAP, Arizona: Assignment of 1,200 acre-feet per year of CAP M&I water to the City of Scottsdale.

51. California WDs, BCP, California: Incorporate into the water delivery contracts with several water districts (Coachella Valley WD, Imperial ID, Palo Verde ID, and The Metropolitan WD of Southern California), through new contracts, contract amendments, contract approvals, or other appropriate means, the agreement to be reached with those water districts to (i) quantity the Colorado River water entitlements for Coachella Valley WD and Imperial ID and (ii) provide a basis for water transfers among California water districts.

52. Coachella Valley WD, BCP, California: Amend contract designated symbol 14–20–650, contract No. 631, which authorizes the United States to construct irrigation and drainage works for certain Indian lands within the District, to provide for construction of necessary facilities to allow water deliveries for irrigation of up to 322 acres of lands on the Torres-Martinez Indian Reservation located within the Coachella Valley WD's Improvement District No. 1.

53. Arizona State Land Department, CAP, Arizona: Assignment of 1,500 acre-feet per year of CAP water from the Arizona State Land Department to the City of Mesa.

54. Miscellaneous PPR No.11, BCP, California: Assign the contract from Dickman et al. to Sonny Gowan.

55. Cibola Valley IDD, BCP, Arizona: Amendment to the District's Colorado River water delivery contract to permanently reduce the District's water entitlement by approximately 600 acre-feet per year to facilitate the transfer of such water to a golf course development in the Lake Havasu area. New or amendatory Colorado River water

delivery contract with the entitlement holder for the transferred water.

56. North Gila Valley IDD, Yuma ID, and Yuma Mesa IDD, Yuma Mesa Division, Gila Project, Arizona: Administrative action to amend each district's Colorado River water delivery contract to effectuate a change from a ''pooled'' water entitlement for the Division to a quantified entitlement for each district.

57. Indian and/or non-Indian M&I users, CAP, Arizona: New or amendatory water service contracts or subcontracts in accordance with an anticipated final record of decision for reallocation CAP water, as discussed in the Secretary of the Interior's notice published on page 41456 of the **Federal Register** on July 30, 1999. The following contract actions have been discontinued or completed since the last publication of this notice on October 21, 1999.

Discontinued contract actions

1. (48) San Carlos-Apache Tribe, CAP, Arizona: Agreement among the United States, Salt River Project Agricultural Improvement and Power District, and Salt River Valley Water Users' Association for exchange of up to 14,000 acre-feet of Black River water for CAP water.

2. (49) San Carlos-Apache Tribe, Arizona: Agreement among the San Carlos-Apache Tribe, the United States and Phelps Dodge Corporation for the lease of Black River water.

Completed contract actions

1. (28) McMicken ID/Town of Goodyear, CAP, Arizona: Amend McMicken's CAP subcontract to reduce its entitlement by 507 acre-feet and Goodyear's water/service subcontract to increase its entitlement by 507 acre-feet.

2. (50) San Carlos Apache Tribe, CAP, Arizona: Amendatory contract to increase the Tribe's CAP water entitlement pursuant to the San Carlos Apache Tribe Water Rights Settlement Act.

3. (53) City of Goodyear, CAP, Arizona: Amendment to increase Goodyear's CAP water entitlement by 1,007 acre-feet pursuant to agreement with McMicken ID to transfer its right to this water under subcontract No. 5–07–30–W0100.

4. (55) E&R Water Company, CAP, Arizona: Exchange agreement to transfer 161 acre-feet of CAP water to the Salt River Project.

5. (58) Sun City Water Co., CAP, Arizona: Partial assignment of 2,372 acre-feet of CAP M&I water to Sun City West Utilities Co.

6. (61) Cortaro Marana ID, CAP, Arizona: Assignment of 47 acre-feet of CAP M&I water to the Town of Marana.

7. (65) Brooke Water, L.L.C., CAP, Arizona: Assignment of 3,932 acre-feet of CAP M&I water to Circle City Water Company.

Upper Colorado Region

Bureau of Reclamation, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone 801–524–4419.

1. Individual irrigators, M&I, and miscellaneous water users, Initial Units, CRSP; Utah, Wyoming, Colorado, and New Mexico: Temporary (interim) water service contracts for surplus project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for terms up to 10 years; long-term contracts for similar service for up to 1,000 acre-feet of water annually.

(a) Harrison F. Russell and Patricia E. Russell, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for 1 acre-foot to support an augmentation plan, Case No. 97CW39, Water Division Court No. 4, State of Colorado, to provide for a single-family residential well, including home lawn and livestock watering (non-commercial).

(b) City of Page, Arizona, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet of water for municipal purposes.

(c) LeChee Chapter of the Navajo Nation, Glen Canyon Unit, CRSP, Arizona: Long-term contract for 1,000 acre-feet for municipal purposes.

(d) Stephens, Walter Daniel, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for 2 acre-feet to support an augmentation plan, Case No. 97CW49, Water Division Court No. 4, State of Colorado, to provide for pond evaporative depletions during the non-irrigation season.

(e) Daggett County, Utah, Flaming Gorge Unit, CRSP, Utah: M&I water service contract covering payment for and delivery of up to 12,000 acre-feet of untreated water as required by Section 10(k)(2) of Public Law 105–326.

(f) Margarett W. Furey, Wayne N. Aspinall Unit, CRSP, Colorado: Contract for 1 acre-foot to support augmentation plan. R&D Investment has filed an application with the Division 4 Water Court of the State of Colorado seeking decree for a domestic well to serve the Ms. Furey domestic in-house residential use, lawn and garden irrigation, pond evaporation, and stock watering.

2. Southern Ute Indian Tribe, Animas-La Plata Project, Colorado: Repayment contract for 26,500 acre-feet per year for M&I use and 2,600 acre-feet per year for irrigation use in Phase One and 700 acre-feet in Phase Two; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

3. Ute Mountain Ute Tribe, Animas-La Plata Project, Colorado and New Mexico: Repayment contract; 6,000 acre-feet per year for M&I use in Colorado; 26,400 acre-feet per year for irrigation use in Colorado; 900 acre-feet per year for irrigation use in New Mexico; contract terms to be consistent with binding cost-sharing agreement and water rights settlement agreement.

4. William Nielson, Dolores Project, Colorado: Carriage contract to carry up to 1.5 cfs of non-project water in project facilities under the authority of the Warren Act of 1911.

5. San Juan-Chama Project, New Mexico: San Juan Pueblo repayment contract for up to 2,000 acre-feet of project water for irrigation purposes. Taos Area—The Taos area Acequias, the Town and County of Taos are forming a joint powers agreement to form an organization to enter into a repayment contract for up to 2,990 acre-feet of project water to be used for irrigation and M&I in the Taos, New Mexico area.

6. Carlsbad ID, Carlsbad Project, New Mexico: Contract to provide for repayment of the District's 15 percent share of proposed modifications to Avalon Dam under the SOD program.

7. The National Park Service, Colorado Water Conservation Board, Wayne N. Aspinall Unit, CRSP, Colorado: Contract to provide specific river flow patterns in the Gunnison River through the Black Canyon of the Gunnison National Monument.

8. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Long-term water service contract for municipal, domestic, and irrigation use.

9. Upper Gunnison River Water Conservancy District, Wayne N. Aspinall Unit, CRSP, Colorado: Substitute supply plan for the administration of the Gunnison River.

10. Uncompahgre Valley Water Users Association, Upper Gunnison River Water Conservancy District, Colorado River Water Conservation District, Uncompahgre Project, Colorado: Water management agreement for water stored at Taylor Park Reservoir and the Wayne N. Aspinall Storage Units to improve water management.

11. Southern Ute Indian Tribe, Florida Project, Colorado: Supplement to contract No. 14–06–400–3038, dated May 7, 1963, for an additional 181 acre-feet of project water, plus 563 acre-feet of water pursuant to the 1986 Colorado Ute Indian Water Rights Final Settlement Agreement.

12. Grand Valley Water Users Association, Orchard Mesa ID, and Public Service Company of Colorado, Grand Valley Project, Colorado: Water service contract for the utilization of project water for cooling purposes for a steam electric generation plant.

13. Public Service Company of New Mexico, CRSP, Navajo Unit, New Mexico: New water service contract for diversion of 16,700 acre-feet, not to exceed a depletion of 16,200 acre-feet of project water for cooling purposes for a steam electric generation plant.

14. Sanpete County Water Conservancy District, Narrows Project, Utah: Application for an SRPA loan and grant to construct a dam, reservoir, and pipeline to annually supply approximately 5,000 acre-feet of water through a transmountain diversion from upper Gooseberry Creek in the Price River drainage (Colorado River Basin) to the San Pitch—Savor River (Great Basin).

15. Individual irrigators, Carlsbad Project, New Mexico: The United States proposes to enter into long-term forbearance lease agreements with individuals who have privately held water rights to divert non-project water either directly from the Pecos River or from shallow/artesian wells in the Pecos River Watershed. This action will result in additional water in the Pecos River to make up for the water depletions caused by changes in operations at Sumner Dam which were made to improve conditions for a threatened species, the Pecos bluntnose shiner.

16. Dolores Water Conservancy District, Dolores Project, Colorado: Carriage contract with the District to carry up to 6,000 acre-feet of non-project water in project facilities under the authority of the Warren Act of 1911.

17. Various contractors, San Juan-Chama Project, New Mexico: The United States proposes to purchase lease water from various contractors to stabilize flows in a critical reach of the Rio Grande in order to meet the needs of irrigators and preserve habitat for the silvery minnow.

18. Mancos Water Conservancy District, Mancos Project, Colorado: Amendment to repayment contract with the District to increase the farm unit size (for acreage limitation purposes) from 160 to 750 acres, pursuant to the WCUA of 1939.

19. Ogden River Water Users Association and Weber Basin Water Conservancy District, Ogden River and Weber Basin Projects, Utah: Contract to provide for repayment of water users portion of construction contract due to SOD investigations recommendations at Pineview Dam.

The following contract action has been discontinued since the last publication of this notice on October 21, 1999.

1. (4) Pine River ID, Pine River Project: Contract to allow the District to convert up to 2,000 acre-feet of project irrigation water to municipal, domestic, and industrial uses.

Great Plains Region:

Bureau of Reclamation, PO Box 36900, Federal Building, 316 North 26th Street, Billings, Montana 59107–6900, telephone 406–247–7730.

1. Individual irrigators, MI, and miscellaneous water users: Colorado, Kansas, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming: Temporary (interim) water service contracts for the sale, conveyance, storage, and exchange of surplus project water and non-project water for irrigation or M&I use to provide up to 10,000 acre-feet of water annually for a term up to 1 year.

2. Green Mountain Reservoir, Colorado-Big Thompson Project, Colorado: Water service contracts for irrigation and M&I; contract negotiations for sale of water from the marketable yield to water users within the Colorado River Basin of Western Colorado.

3. Ruedi Reservoir, Fryingpan-Arkansas Project, Colorado: Second round water sales from the regulatory capacity of Ruedi Reservoir. Water service and repayment contracts for up to 17,000 acre-feet annually for M&I use; contract with Colorado Water Conservation Board and the U.S. Fish and Wildlife Service for 21,650 acre-feet for endangered fishes.

4. Garrison Diversion Unit, P–SMBP, North Dakota: Renegotiation of the master repayment contract with Garrison Diversion Conservancy District to conform with the Garrison Diversion Unit Reformulation Act of 1986; negotiation of repayment contracts with irrigators and M&I users.

5. City of Rapid City and Rapid Valley Water Conservancy District, Rapid Valley Unit, P–SMBP, South Dakota: Contract renewal for up to 55,000 acre-feet of storage capacity in Pactola Reservoir.

6. Pathfinder ID, North Platte Project, Nebraska: Negotiation of contract regarding SOD program modification of Lake Alice Dam No. 1 Filter/Drain.

7. Northern Cheyenne Indian Reservation, Yellowtail Unit, Lower Bighorn Division, P–SMBP, Montana: In accordance with section 9 of the Northern Cheyenne Reserved Water Rights Settlement Act of 1992, the United States and the Northern Cheyenne Indian Tribe are proposing to contract for 30,000 acre-feet per year of stored water from Bighorn Reservoir. The Tribe will pay the United States both capital and O&M costs associated with each acre-foot of water the Tribe uses or sells from this storage for M&I purposes. Reclamation and the Tribe are continuing to negotiate the terms of the Agreement. A date for execution has not been scheduled.

8. Mid-Dakota Rural Water System, Inc., South Dakota: Pursuant to the Reclamation Projects Authorization and Adjustment Act of 1992, the Secretary of the Interior is authorized to make grants and loans to Mid-Dakota Rural Water System, Inc., a nonprofit corporation for the planning and construction of a rural water supply system.

9. Angostura ID, Angostura Unit, P–SMBP, South Dakota: The District had a contract for water service which expired on December 31, 1995. An interim 3-year contract provided for a continuing water supply and the District to operate and maintain the dam and reservoir. The proposed long-term contract would provide a continued water supply for the District and the District's continued O&M of the facility. A BON is currently being developed for a long-term contract.

10. Cities of Loveland and Berthoud, Colorado, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance of non-project M&I water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906.

11. P–SMBP, Kansas and Nebraska: Initiate negotiations for renewal of long-term water supply contracts with Kansas-Bostwick, Nebraska-Bostwick, Frenchman Valley, Frenchman-Cambridge, and Almena IDs.

12. Northwest Area Water Supply, North Dakota: Long-term contract for water supply from Garrison Diversion Unit facilities. BON has been approved by Commissioner. Negotiations are pending.

13. Fort Shaw ID, Sun River Project, Montana: Contract for SOD costs for repairs to Willow Creek Dam. The proposed contract for the emergency repairs has been combined with the contract for repayment of additional SOD work as outlined in the approval memorandum dated November 17, 1999. Negotiations have been completed. Anticipate execution of the contract in January 2000.

14. P–SMBP, Kansas: Water service contracts with the Kirwin and Webster IDs in the Solomon River Basin in Kansas will be extended for a period of 4 years in accordance with Public Law 104–326 enacted October 19, 1996.

Water service contracts will be renewed prior to expiration.

15. City of Cheyenne, Kendrick Project, Wyoming: Negotiation of contract to renew for an additional term of 5 years. Contract for up to 10,000 acre-feet of storage space for replacement water on a yearly basis in Seminoe Reservoir. A temporary contract has been issued pending negotiation of the long-term contract.

16. Highland-Hanover ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Renegotiation of long-term water service contract; includes provisions for repayment of construction costs.

17. Upper Bluff ID, Hanover-Bluff Unit, P–SMBP, Wyoming: Renegotiation of long-term water service contract; includes provisions for repayment of construction cost.

18. Fort Clark ID, P–SMBP, North Dakota: Negotiation of water service contract to continue delivery of project water to the District.

19. Nueces River Project, Texas: Recalculate existing contract repayment schedule to conform with the provisions of the Emergency Drought Relief Act of 1996. The revised schedule is to reflect a 5-year deferment of payments.

20. Western Heart River ID, Heart Butte Unit, P–SMBP, North Dakota: Negotiation of water service contract to continue delivery of project water to the District.

21. Lower Marias Unit, P–SMBP, Montana: Water service contract expired June 1997. Initiating renewal of existing contract for 25 years for up to 480 acre-feet of storage from Tiber Reservoir to irrigate 160 acres. Received approved BON from the Commissioner. Currently developing the contract and consulting with the Tribes regarding the Water Rights Compact. A 1-year interim contract has been issued to continue delivery of water until the necessary actions can be completed to renew a long-term contract.

22. Lower Marias Unit, P–SMBP, Montana: Initiating 25-year water service contract for up to 750 acre-feet of storage from Tiber Reservoir to irrigate 250 acres. A 1-year temporary contract has been issued to allow additional time to complete necessary actions required for the long-term contract.

23. Lower Marias Unit, P–SMBP, Montana: Water service contract expired May 31, 1998. Initiating renewal of the long-term water service contract to provide 4,570 acre-feet of storage from Tiber Reservoir to irrigate 2,285 acres. A 1-year interim contract has been issued to continue delivery of water until the necessary actions can be completed to renew the long-term contract.

24. Dickinson-Heart River Mutual Aid Corporation, Dickinson Unit, P–SMBP, North Dakota: Negotiate renewal of water service contract for irrigation of lands below Dickinson Dam in western North Dakota.

25. Savage ID, P–SMBP, Montana: An interim contract has been entered into with the District. The District is currently seeking title transfer. The contract is subject to renewal on an annual basis pending outcome of the title transfer process.

26. City of Fort Collins, Colorado-Big Thompson Project, Colorado: Long-term contracts for conveyance and storage of non-project MI water through Colorado-Big Thompson Project facilities pursuant to the Town Sites and Power Development Act of 1906.

27. Fryingpan-Arkansas Project, Colorado: Proposed contract amendment to contract No. 9–07–70–W099 with Busk-Ivanhoe, Inc.

28. Green Mountain Project, Colorado: HUP contracts for surplus water for recreation. This contract is to benefit the endangered fish.

29. Fryingpan-Arkansas Project, Colorado: Pueblo Board of Water Works, long-term storage and conveyance contract.

30. Keith Bower (Individual), Boysen Unit, P–SMBP, Wyoming: Contract for up to 500 acre-feet of irrigation water to service 144 acres.

31. Canyon Lam. Liability (Individual), Boysen Unit, P–SMBP, Wyoming. Contract for up to 16 acre-feet of supplemental irrigation water to service 4 acres.

32. L.U. Sheep Company (Individual), Boysen Unit, P–SMBP, Wyoming. Contract for up to 60 acre-feet of irrigation water to service 180 acres.

33. Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado: Acting by and through the Pleasant Valley Pipeline Project Water Activity Enterprise, beginning discussions and draft BON for a long-term contract for conveyance of non-project water through Colorado-Big Thompson Project facilities.

34. Tom Green County and Improvement District No. 1, San Angelo Project, Texas: The irrigation district is requesting a deferment of its 2000 construction payment. In the process of developing a BON.

35. Standing Rock Sioux Tribe, P–SMBP, North Dakota: Negotiate a long-term water service contract with the Standing Rock Sioux Tribe in North Dakota for irrigation of up to 2,380 acres of land within the reservation.

36. Northern Colorado Water Conservancy District, Colorado-Big Thompson, Colorado: SOD repayment contract negotiations for modification to Horsetooth Dam.

Dated: January 14, 2000.

A. Jack Garner,

Acting Deputy Director, Office of Policy.

[FR Doc. 00–1445 Filed 1–20–00; 8:45 am]

BILLING CODE 4310–94–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–00–004]

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: January 28, 2000 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. No. 731–TA–863 (Preliminary)(Citric Acid and Sodium Citrate from China)—briefing and vote. (The Commission will transmit its determination to the Secretary of Commerce on January 31, 2000.)
5. 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.

By order of the Commission:
Issued: January 19, 2000.

Donna R. Koehnke,

Secretary.

[FR Doc. 00–1622 Filed 1–19–00; 2:18 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of Community Oriented Policing Services

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice of information collection under review; reinstatement, with change, of a previously approved collection for which approval has expired; COPS Grant Status Survey.

The Department of Justice, Office of Community Oriented Policing, has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance

with emergency review procedures of the Paperwork Reduction Act of 1995. OMB approval has been requested by January 28, 2000. The proposed information collection is published to obtain comments from the public and affected agencies. If granted, the emergency approval is only valid for 180 days. Comments should be directed to OMB, Office of Information Regulation Affairs, Attention: Department of Justice Desk Officer (202) 395–3122, Washington, DC 20530.

During the first 60 days of this same review period, a regular review of this information collection is also being undertaken. All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to Marcia Samuels, Project Manager, Office of Community Oriented Policing, 1110 Vermont Avenue NW, Washington DC 20531.

Request written comments and suggestions from the public and affected agencies concerning the proposed collection the proposed collection of information. Your comments should address one or more of the following four points:

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

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

Overview of This Collection

(1) *Type of Information Collection:* Second Collection.

(2) *Title of the Form/Collection:* COPS Grant Status Survey.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form: COPS 301/01. Office of Community Oriented Policing Services, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The COPS Count Project surveys agencies who currently have been awarded a Hiring and/or MORE grants from the COPS Office. The information collected provides an accurate up to date account on the status of officers hired/redeployed.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Estimated number of respondents: 11,559. Estimated time for average respondent to respond: 1 hour annually (30 min. × 2 times per year=50/60 min.)

(6) *An estimate of the total of public burden (in hours) associated with the collection:* Approximately 11,559 annual burden hours.

If additional information is required contact: Ms. Brenda E. Dyer, Deputy Clearance Office, United States Department of Justice, Information Management and Security Staff Justice Management Division, Suite 1220, National Place, 1331 Pennsylvania Avenue NW, Washington, DC 20530.

Dated: January 14, 2000.

Brenda E. Dyer,

Department Deputy Clearance Officer, United States Department of Justice.

[FR Doc. 00–1440 Filed 1–20–00; 8:45am]

BILLING CODE 4410–AT–M

DEPARTMENT OF LABOR

Employment Standards Administration Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics and employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR Part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR Part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated are required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW, Room S–3014, Washington, DC 20210.

Modifications to General Wage Determination Decisions

The number of decisions listed in the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts,'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

None.

Volume II

None.

Volume III

None.

Volume IV

None.

Volume V

None.

Volume VI

None.

Volume VII

None.

General Wager Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts.'' This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

The general wage determinations issued under the Davis-Bacon and related Acts are available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the seven separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates are distributed to subscribers.

Signed at Washington, DC, this 13th day of January 2000.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 00–1168 Filed 12–20–00; 8:45 am]

BILLING CODE 4510–27–M

LEGAL SERVICES CORPORATION

Sunshine Act Meeting of the Board of Directors

TIME AND DATE: The Board of Directors of the Legal Services Corporation will meet on January 28–29, 2000. The meeting will begin on January 28, 2000 at 10:00 a.m. and continue until conclusion of the Board's agenda.

LOCATION: The Hyatt Regency Austin On Town Lake, 208 Barton Springs Road, Austin, Texas 78704.

STATUS OF MEETING: Open, except that a portion of the meeting may be closed pursuant to a vote of the Board of Directors to hold an executive session. At the closed session, the Corporation's General Counsel will report to the Board on litigation to which the Corporation is or may become a party, and the Board may act on the matters reported. The closing is authorized by the relevant provisions of the Government in the Sunshine Act [5 U.S.C. 552b(c)(10)] and the corresponding provisions of the Legal Services corporation's implementing regulation [45 CFR § 1622.5(h)]. A copy of the General Counsel's Certification that the closing is authorized by law will be available upon request.

MATTERS TO BE CONSIDERED:

Open Session

1. Approval of agenda.
2. Approval of minutes of the Board's meeting of November 20, 1999.
3. Approval of minutes of the executive session of the Board's meeting of November 20, 1999.
4. Consider and adopt the proposed Strategic Plan for the Corporation.
5. Public Speakers:
- Paul Furrh, Executive Director of the East Legal Services.
- Lisa Melton, Executive Director of the Texas Equal Access to Justice Foundation (Texas IOLTA).
- Velva Price, President, Travis County Bar Association.
6. Chairman's Report.
7. Member's Report.
8. President's Report.
9. Inspector General's Report.
10. Consider and act on the 1999 Annual Performance Reviews Committee's report on the annual evaluation of the Corporation's President.
11. Consider and act on the 1999 Annual Performance Reviews Committee's report on the annual evaluation of the Corporation's Inspector General.
12. Consider and act on possible dissolution of the Board's 1999 Annual Performance Reviews Committee.
13. Consider and act on proposed FY 2000 consolidated operating budget for the Corporation.
14. Presentation by the Office of Inspector General on the Corporation's FY'99 annual audit.
15. Consider and act on proposed appointment to the office of Vice President of Programs.
16. Report by Justice John Broderick on the recommendations of the Board Development Task Force.
17. Election of Board Chair.
18. Election of Board Vice-Chair.
19. Consider and act on Board committee appointments.
20. Consider and act on the extension of John McKay's contract of employment as President of the Corporation.
21. Adjustment of the rate of compensation to be paid to the President of the Corporation.

Closed Session

22. Briefing [1] by the Inspector General on the activities of the Office of Inspector General.
23. Consider and act on the General Counsel's report on potential and pending litigation involving the Corporation.

Open Session

24. Consider and act on other business.
25. Public Comment.

CONTACT PERSON FOR INFORMATION: Victor M. Fortuno, Vice President for Legal Affairs, General Counsel and Secretary of the Corporation, at (202) 336–8800.

Special Needs: Upon request, meeting notices will be made available in alternate formats to accommodate visual and hearing impairments. Individuals who have a disability and need an accommodation to attend the meeting may notify Shannon Nicko Adaway, at (202) 336–8800.

[1] Any portion of the closed session consisting solely of staff briefings does not fall within the Sunshine Act's definition of the term ''meeting'' and, therefore, the requirements of the Sunshine Act do not apply to any such portion of the closed session. 5 U.S.C. 552(b)(a)(2) and (b). See also 45 C.F.R. § 1622.2 & 1622.3

Dated: January 19, 2000.

Victor M. Fortuno,

Vice President for Legal Affairs, General Counsel, and Corporation Secretary.

[FR Doc. 00–1639 Filed 1–19–00; 1:40 pm]

BILLING CODE 7050–01–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (00- 006]

NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee, Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Life and Microgravity Sciences and Applications Advisory Committee.

DATES: Thursday, February 10, 2000, 10:00 a.m. to 5:00 p.m.; and Friday, February 11, 2000, 8:00 a.m. to 12:00 Noon.

ADDRESSES: National Aeronautics and Space Administration Headquarters, 300 E Street, SW, MIC–7, Room 7H46, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen C. Davison, Code UG, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–0647.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the seating capacity of the room. The agenda for the meeting is as follows:

—Action Status
—Update: Office of Life & Microgravity Sciences and Applications
—EVA Safety, Radiation Protection, DCS Risk Mitigation, Reduced Pre-Breath with Exercise, and ISS 1st Increment Crew Health and Safety
—Strategic Planning and NASA's Grand Questions
—OMB View of OLMSA and ISS Utilization
—Commercial Activities
—NGO Report/NRC
—Discussion of Committee Findings and Recommendations

It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Dated: January 14, 2000.

Matthew M. Crouch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 00–1411 Filed 1–20–00; 8:45 am]

BILLING CODE 7510–01–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules for Electronic Copies Previously Covered by General Records Schedule 20; Availability and Request for Comments

AGENCY: National Archives and Records Administration, Office of Records Services—Washington, DC.

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal.

This request for comments pertains solely to schedules for electronic copies of records created using word processing and electronic mail where the recordkeeping copies are already scheduled. (Electronic copies are records created using word processing or electronic mail software that remain in storage on the computer system after the recordkeeping copies are produced.)

These records were previously approved for disposal under General Records Schedule 20, Items 13 and 14. The agencies identified in this notice have submitted schedules pursuant to NARA Bulletin 99–04 to obtain separate disposition authority for the electronic copies associated with program records and administrative records not covered by the General Records Schedules. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a). To facilitate review of these schedules, their availability for comment is announced in **Federal Register** notices separate from those used for other records disposition schedules.

DATES: Requests for copies must be received in writing on or before March 6, 2000. On request, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums concerning a proposed schedule. These, too, may be requested. Requesters will be given 30 days to submit comments.

Some schedules submitted in accordance with NARA Bulletin 99–04 group records by program, function, or organizational element. These schedules do not include descriptions at the file series level, but, instead, provide citations to previously approved schedules or agency records disposition manuals (*see* **SUPPLEMENTARY INFORMATION** section of this notice). To facilitate review of such disposition requests, previously approved schedules or manuals that are cited may be requested in addition to schedules for the electronic copies. NARA will provide the first 100 pages at no cost. NARA may charge $.20 per page for additional copies. These materials also may be examined at no cost at the National Archives at College Park (8601 Adelphi Road, College Park, MD).

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–713–6852 or by e-mail to records.mgt@arch2.nara.gov.

Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports and/or copies of previously approved schedules or manuals should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Marie Allen, Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 713–7110. E-mail: records.mgt@arch2.nara.gov.

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers

prepare schedules proposing retention periods for records and submit these schedules for NARA approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs the records to conduct its business.

Routine administrative records common to most agencies are approved for disposal in the General Records Schedules (GRS), which are disposition schedules issued by NARA that apply Government-wide.

On March 25, 1999, the Archivist issued NARA Bulletin 99–04, which told agencies what they must do to schedule electronic copies associated with previously scheduled program records and certain administrative records that were previously scheduled under GRS 20, Items 13 and 14. On December 27, 1999, the Archivist issued NARA Bulletin 2000–02, which suspended Bulletin 99–04 pending NARA's completion in FY 2001 of an overall review of scheduling and appraisal. On completion of this review, which will address all records, including electronic copies, NARA will determine whether Bulletin 99–04 should be revised or replaced with an alternative scheduling procedure. However, NARA will accept and process schedules for electronic copies prepared in accordance with Bulletin 99–04 that are submitted after December 27, 1999, as well as schedules that were submitted prior to this date.

Schedules submitted in accordance with NARA Bulletin 99–04 only cover the electronic copies associated with previously scheduled series. Agencies that wish to schedule hitherto unscheduled series must submit separate SF 115s that cover both recordkeeping copies and electronic copies used to create them.

In developing SF 115s for the electronic copies of scheduled records, agencies may use either of two scheduling models. They may add an appropriate disposition for the electronic copies formerly covered by GRS 20, Items 13 and 14, to every item in their manuals or records schedules where the recordkeeping copy has been created with a word processing or electronic mail application. This approach is described as Model 1 in Bulletin 99–04. Alternatively, agencies may group records by program, function, or organizational component and propose disposition instructions for the electronic copies associated with each grouping. This approach is described as Model 2 in the Bulletin. Schedules that follow Model 2 do not describe records at the series level.

For each schedule covered by this notice the following information is provided: Name of the Federal agency and any subdivisions requesting disposition authority; the organizational unit(s) accumulating the records or a statement that the schedule has agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency; the control number assigned to each schedule; the total number of schedule items; the number of temporary items (the record series proposed for destruction); a brief description of the temporary electronic copies; and citations to previously approved SF 115s or printed disposition manuals that scheduled the recordkeeping copies associated with the electronic copies covered by the pending schedule. If a cited manual or schedule is available from the Government Printing Office or has been posted to a publicly available Web site, this too is noted.

Further information about the disposition process is available on request.

Schedule Pending

1. Federal Communications Commission, Compliance and Information Bureau (N9–173–00–5, 1 item, 1 temporary item). Electronic copies of records created using electronic mail and word processing regarding the development and administration of policies and programs relating to engineering activities performed in the field and field inspections or investigations required by the Commission. Included are electronic copies of records pertaining to station inspections, surveys, monitoring, direction finding, signal measurement and investigations, inspection of devices with electromagnetic radiation characteristics, and administrative activities. This schedule follows Model 2 as described in the **SUPPLEMENTARY INFORMATION** section of this notice. Recordkeeping copies of these files are included in Disposition Job Numbers NC1–173–78–3, NC1–173–80–3, NC1–173–82–7, NC1–173–83–4, NC1–173–85–3, and N1–173–87–3.

Dated: January 13, 2000.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 00–1323 Filed 1–20–00; 8:45 am]

BILLIING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Privacy Act of 1974; Revisions of Systems of Records

AGENCY: National Credit Union Administration.

ACTION: Notification of revisions and deletions of systems of records.

SUMMARY: The National Credit Union Administration (NCUA) is revising its Privacy Act systems notices. The revisions result from a review of agency information practices conducted in accordance with the President's May 14, 1998, memorandum on privacy and personal information in federal records. In the review, NCUA identified several changes in its record-keeping practices which permitted the elimination of some systems and the consolidation of others. Due to organizational changes, several system managers had changed. In some systems, NCUA staff identified new routine uses compatible with the purposes for which the information is collected. No new exemptions from provisions of the Privacy Act of 1974 were required. The revisions reflect the changes, and clarify the system notices.

EFFECTIVE DATE: The revised system notices will be effective without further notice on February 22, 2000, unless comments received before that date cause a contrary decision. If, based on the review of comments received, NCUA determines to make changes to the system notices, a new final notice will be published.

FOR FURTHER INFORMATION CONTACT: Dianne M. Salva, Staff Attorney, Division of Operations, Office of General Counsel, at the National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314, or telephone: (703) 518–6540.

SUPPLEMENTARY INFORMATION: In a memorandum dated May 14, 1998, President Clinton directed federal agencies to conduct a thorough review of all agency systems of records. The President specifically directed agencies to consider changes in technology, function and organization that may have made the systems out of date and to review the routine uses published in the system notices to make sure that they continue to be necessary and compatible with the purposes for which they were collected. He also directed agencies to identify systems that may not have been described in a notice published in the **Federal Register** and to publish notices for any changes to the agency systems of records and report to the Office of Management and Budget within one year regarding the results of their efforts.

In its review NCUA determined to eliminate redundancies in its system notices, and as a result was able to delete nine systems. Most of the changes made by this notice are technical in nature, reflecting the current name and address of the office responsible for each system and renumbering the systems. In total NCUA reduced the number of systems from twenty-two to thirteen. It also updated its appendix B, listing the addresses of the regional offices.

The review provided an opportunity to combine what were six identical systems published for employee records from each of the six NCUA regional offices, into one unified system covering all employees. This permitted the revision of one system and the elimination of five others. A routine use was added to permit disclosure of information relating to the qualifications of an individual to a licensing board.

A routine use was added to the system covering employee payroll records, as required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. 42 U.S.C. 653.

The systems covering delinquent Freedom of Information Act request invoices was updated and expanded to cover the entire Freedom of Information Act and Privacy Act request file and the method of record storage was changed to reflect the use of a computerized database to track requests and invoice payments.

Three systems previously covered the files of failed credit unions which are placed in liquidation by NCUA. These three systems have been combined into one and two new routine uses were added. One new routine use covers required disclosures to other agencies and the other new routine use covers NCUA's maintenance of an Internet web page listing the names associated with unclaimed accounts at failed credit unions.

Several new routine uses were added to the system covering investigative records maintained by the Office of Inspector General. One routine use permits the disclosure of information for audit purposes. Another routine use permits disclosure of information to other government agencies if it is required in order to obtain information about an individual. A routine use was also added to permit disclosure of information reflecting upon the qualifications of an individual to a licensing board.

The system covering consumer complaints filed against credit unions was amended to reflect the use of a computerized database to track complaints.

A routine use was added to the system covering litigation case files that would permit disclosure of information reflecting upon the qualifications of an individual to a licensing board.

NCUA has deleted the following systems:

(NCUA–4, Verified Employee Mailing List; NCUA–6, New Examiner Training Files; NCUA–8, Region II Employee Development/Correspondence Records; NCUA–9, Region III Employee Development/Correspondence Records; NCUA–10, Region IV Employee Development/Correspondence Records; NCUA–11, Region V Employee Development/Correspondence Records; NCUA–12, Region VI Employee Development/Correspondence Records; NCUA–17, Acquired Assets and Share Payout Records System; NCUA–19, Trusteed Account Records System.

Having made these changes, NCUA's revised systems of records, along with the appendices, are published in their entirety below.

National Credit Union Administration

Systems of Records

Table of Contents

List of Systems

1. Employee Suitability and Security Investigations Containing Adverse Information, NCUA.
2. Grievance Records, NCUA.
3. Payroll Records System, NCUA.
4. Travel Advance and Voucher Information System, NCUA.
5. Unofficial Personnel and Employee Development/Correspondence Records, NCUA.
6. Emergency Information (Employee) File, NCUA.
7. Employee Injury File, NCUA.
8. Investigative Reports Involving Any Crime, Suspected Crime or Suspicious Activity Against a Credit Union, NCUA.
9. Freedom of Information Act and Privacy Act Requests and Invoices, NCUA.
10. Liquidating Credit Union Records, NCUA.
11. Office of Inspector General (OIG) Investigative Records, NCUA.
12. Consumer Complaints Against Federal Credit Unions, NCUA.
13. Litigation Case Files, NCUA.

Note —See Appendices for general ''routine uses'' applicable to each system of records and for a listing of the locations of NCUA Regional Offices.

NCUA–1

SYSTEM NAME:

Employee Suitability and Security Investigations Containing Adverse Information, NCUA.

SYSTEM LOCATION:

Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THIS SYSTEM:

NCUA employees on whom a routine Office of Personnel Management (OPM) security investigation has been conducted, the results of which contain adverse information.

CATEGORIES OF RECORDS IN THE SYSTEM:

Arrest records and/or information on moral character, integrity, or loyalty to the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Records maintained pursuant to OPM requirements. A separate notice is published because these records are maintained separately to provide extraordinary safeguards against unwarranted access and disclosures.

PURPOSE(S):

The information in this system of records is used to assist in the determination of the suitability of the effected individual for initial or continued NCUA employment, or other necessary action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are reviewed by the NCUA Security Officer (the Director of Human Resources). If the records are determined to be of a substantive nature, they are referred to the appropriate Associate Regional Director or Office Director for whatever action, if any, is deemed necessary. (2) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are maintained on paper hard copy.

RETRIEVABILITY:

Records are indexed by name.

SAFEGUARDS:

Records are maintained in a locked file cabinet accessible only to the Security Officer and his/her designated assistant.

RETENTION AND DISPOSAL:

If the investigation is favorable to the employee, the record is destroyed. If the investigation uncovers adverse information, the record is held for two years.

SYSTEM MANAGER(S) AND ADDRESS:

Security Officer, Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURE:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

OPM Security Investigations Index, FBI Headquarters investigative files, fingerprint index of arrest records, Defense Central Index of Investigations, employers within the last five years, listed references, and personal associates, school registrars and responsive law enforcement agencies.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In addition to any exemption to which this system is subject by Notices published by or regulations promulgated by the OPM, the system is subject to a specific exemption pursuant to 5 U.S.C. 552a(k)(5) to the extent that disclosures would reveal a source who furnished information under an express promise of confidentiality, or prior to September 27, 1975, under an express or implied promise of confidentiality.

NCUA–2

SYSTEM NAME:

Grievance Records, NCUA.

SYSTEM LOCATION:

Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current or former Federal employees who have submitted grievances with NCUA in accordance with part 771 of the OPM's regulations. These case files contain all documents related to the grievance, including statements of witnesses, reports of interviews and hearings, examiners' findings and recommendations, a copy of the original and final decision with related correspondence and exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, and 3302, E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 10987; 3 CFR 1959–1963 Comp., p. 519.

PURPOSE(S):

The information in this system is used in the Agency's formal grievance process.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used by the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order where the disclosing agency becomes aware of an indication of a violation or potential violation of civil or criminal law or regulations. (2) Information is used by any source from which additional information is requested in the course of processing a grievance to the extent necessary to identify the individual, inform the source of the purpose(s) of the request, and identify the type of information requested. (3) Information is used by a Federal agency in response to its request in connection with the hiring or retention of an employee, the issuance of a security clearance, the conducting of a security or suitability investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter. (4) Information is used by the congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual. (5) Information is used by another Federal agency or by a court when the Government is party to a judicial proceeding before the court. (6) Information is used by the National Archives and Records Administration (General Services Administration) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906. (7) Information is used by NCUA in the production of summary descriptive statistics and analytical studies in support of the function for which the records are collected and maintained, or for related work force studies. While published statistics and studies do not contain individual identifiers, in some instances, the selection of elements of data included in the study may be structured in such a way as to make the data individually identifiable by inference. (8) Information is used by officials of the Office of Personnel Management, the Merit Systems Protection Board, including the Office of the Special Counsel, the Federal Labor Relations Authority and its General Counsel, or the Equal Employment Opportunity Commission when requested in performance of their authorized duties. (9) Information (that is relevant to the subject matter involved in a pending judicial or administrative proceeding) is used to respond to a request for discovery or for appearance of a witness. (10) Information is used by officials of labor organizations reorganized under the Civil Service Reform Act when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions. (11) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrievable by the names of the individuals on whom they are maintained.

SAFEGUARDS:

Records are maintained in lockable metal filing cabinets to which only authorized personnel have access.

RETENTION AND DISPOSAL:

Records are disposed of three (3) years after closing of the case. Disposal is by shredding or burning.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; testimony of witness; agency officials; related correspondence from organization or persons.

NCUA–3

SYSTEM NAME:

Payroll Records System, NCUA.

SYSTEM LOCATION:

(1) Office of the Chief Financial Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. (2) General Services Administration, Region VI, Kansas City, Missouri.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees of NCUA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Salary and related payroll data, including time and attendance information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 703; 44 U.S.C. 3301.

PURPOSE(S):

This system documents time and attendance and ensures that employees receive proper compensation.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used to ensure proper compensation to all NCUA employees and to formulate financial reports and plans used within the agency or is sent to the General Services Administration (GSA). (2) Also, information is used to document time worked and provide a record of attendance to support payment of salaries and use of annual, sick, and nonpaid leave. (3) Users of the time and attendance information include the employee's supervisor, the office's timekeeper the payroll officer, and the GSA National Payroll Center in Kansas City, Missouri. (4) Further information in this system is used to make reportings to state and local taxing authorities. (5) The names, social security numbers, home addresses, dates of birth, dates of hire, quarterly earnings, employer identifying information, and State of hire of employees may be disclosed to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services for the purpose of locating individuals to establish paternity, establish or modify orders of child support, identify sources of income and for other child support enforcement actions as required by the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Law, Pub. L. 104–193). (6) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:
STORAGE:

Records are maintained in file folders.

RETRIEVABILITY:

Records are retrieved by name or social security number.

SAFEGUARDS:

Records are maintained in secured offices, accessible by written authorization only.

RETENTION AND DISPOSAL:

Records are retained and disposed of in accordance with GSA policy.

SYSTEM MANAGER(S) AND ADDRESS: PRIMARY:

Payroll Officer, Office of the Chief Financial Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

SECONDARY:

Office Timekeepers, National Credit Union Administration, Central Office (1775 Duke Street, Alexandria, Virginia 22314–3428) and Regional Offices (see Appendix B for Regional Offices' addresses).

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Information is primarily obtained from the individual whom the record concerns, the Office of Personnel Management, and the GSA. Also, time and attendance information is prepared and submitted by the timekeeper in a given employee's office.

NCUA–4

SYSTEM NAME:

Travel Advance and Voucher Information System, NCUA.

SYSTEM LOCATION:

Office of the Chief Financial Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. Some relocation files are maintained in the Office of Administration, at the same address.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All NCUA employees who have traveled or relocated in the course of performing their duty and who have been reimbursed for the expense of such travel.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains information from the following forms: Travel Vouchers (NCUA 1012), Relocation Travel Order (NCUA 1617) Application for Travel Advance (NCUA 1371), and Travel Voucher Cover Sheet (NCUA 1364), Agreement to Remain in Federal Service (NCUA 1030), Statement of Difference (NCUA 1310), Repayment of Travel Advance (NCUA 1372).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 5701–5752; Executive Order 11609 (July 22, 1971); Executive Order 11012 (March 27, 1962); 5 U.S.C. 4101–4118; Federal Travel Regulations, FPMR 101–7, Chapter 2, Section 6.3.

PURPOSE(S):

The purpose of this system is to provide documentary support for reimbursements to employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Records are used to provide documentary support for reimbursements to employees for on-the-job and relocation travel expenses. (2) Users of the information include first and second line supervisors, NCUA accounting staff, and budgeting staff. (3) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in paper hard copy form and in a computer system.

RETRIEVABILITY:

Records are retrievable by social security number.

SAFEGUARDS:

The paper hard copy records are maintained in secured offices. The computer disc is located in a secured office and its access is limited to user employees who know the logical identification access number.

RETENTION AND DISPOSAL:

Records are maintained in the Division of Accounting Services until the annual GAO audit is completed. After the audit, the paper hard copy records are stored in a Federal Records Center for a minimum of three years and the computer disc is purged.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Accounting Services Division, Office of the Chief Financial Officer, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Records are prepared by the individual whom the record concerns.

NCUA–5

SYSTEM NAME:

Unofficial Personnel and Employee Development/Correspondence Records, NCUA.

SYSTEM LOCATION:

For employees of a regional office, the system is located at the regional office where the employee is assigned, National Credit Union Administration, (See appendix B for addresses of Regional Offices). For employees of the central office, the system is located at the assigned office, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

NCUA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system contains information on NCUA employees assigned to the particular regional or central office related to some or all of the following areas: Name; address; telephone number; birthdate; ethnicity and gender codes; cu grade; employee identification number; work performance appraisals; district management; chartering efforts; reactions from credit union officials; individual development plans; supply and equipment information; for new examiners, bi-weekly training reports, training progress reports and training evaluations; work product samples; suggestions; awards; data on time and attendance, leave and pay; memos or notations and evaluations by superiors or others; and copies of personnel, travel and grievance records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301; 44 U.S.C. 3301.

PURPOSE(S):

Information is used for recording time, attendance and leave, controlling equipment inventories, contacting employees; evaluating and training staff, evaluating work progress; and for general administrative matters. For new examiners, training information is used to determine the examiner's retention or termination after 23 weeks of on-the-job training.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information in this system may be disclosed to the United States Office of Personnel Management, the Merit Systems Protection Board, the Office of Special Counsel, the Equal Employment Opportunity Commission, the Federal Labor Relations Authority, the General Services Administration or an arbitrator or agent, to the extent the disclosure is needed to carry out the government-wide personnel management, investigatory, adjudicatory and appellate functions within their respective jurisdictions, or to obtain information. (2) The information in this system may be disclosed to federal, state, local or professional licensing boards or Boards of Medical Examiners, when such records reflect on the qualifications of an licensed individual or an individual seeking to be licensed. (3) This information is used to generate a telephone directory for all NCUA employees. (4) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy. Some records are also maintained on computer systems electronically.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Physical security consists of maintaining records in locked metal file cabinets within secured offices and password protected computer systems.

RETENTION AND DISPOSAL:

Current and relevant information is maintained generally for a period of at least one to two years. Obsolete material is maintained in the same file cabinets and is periodically destroyed or returned to the originator.

SYSTEM MANAGER(S) AND ADDRESS:

For employees assigned to a regional office the system manager is the Administrative Officer, Regional Office, National Credit Union Administration. (See appendix B for addresses of Regional Offices). For employees assigned to an office within the central office, the system manager is the Office Director, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the Regional Director where the system is located. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the Regional Director will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the Regional Director.

RECORD SOURCE CATEGORIES:

Sources may include the individual whom the record concerns, supervisors of the individual, fellow employees, credit union officials, administrative officer or office assistant, and other persons whom the individual may encounter in the course of work performance. For payroll- and personnel-related information, the sources may include the General Service

Administration and Office of Human Resources.

NCUA–6

SYSTEM NAME:

Emergency Information (Employee) File, NCUA.

SYSTEM LOCATION:

For employees of a regional office, the system is located at the regional office where the employee is assigned, National Credit Union Administration, (See appendix B for addresses of Regional Offices). For employees of the central office, the system is located at the assigned office, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains personal information on the NCUA employee, such as height, weight, hair color, eye color, current address, and telephone number. Also, this system identifies the individual to contact in case of an emergency involving the employee.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301.

PURPOSE(S):

The information in this system is used to create employee identification cards and in case of emergency.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information on the individual to contact in cases of emergency may be disclosed in case of emergency to any federal, state or local authority responding to the emergency. (2) In the event of an emergency, the information may be disclosed to the individual listed as a contact in case of emergency, or other person identified as a family member of the employee. (3) The Security Officer maintains a list of all employees, with their addresses and telephone numbers. This list is updated as necessary. The listed information is used to contact the employee if there is a national emergency. (4) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are stored on paper hard copy.

RETRIEVABILITY:

Records are indexed alphabetically by name.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed of after an employee is separated from the agency.

SYSTEM MANAGER(S) AND ADDRESS:

(1) For employees of a regional office, the system manager is the regional director of the regional office where the employee is assigned, National Credit Union Administration, (See appendix B for addresses of Regional Offices). For employees of the central office, the system manager is the Office Director of the assigned office, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia, 22314–3428. (2) Security Officer, Administrative Office, at the same address above.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the appropriate system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the appropriate system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained.

NCUA–7

SYSTEM NAME:

Employee Injury File, NCUA.

SYSTEM LOCATION:

Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Any employee who has sustained a job-related injury or disease.

CATEGORIES OF RECORDS IN THE SYSTEM:

Copies of reports submitted by individual who has sustained a job-related injury or disease. Copies of any further claims made regarding the same injury or disease or any other material required for documenting and adjudicating the claim.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Occupational Safety and Health Act of 1970, 29 CFR part 1960.

PURPOSE(S):

This information is maintained to provide data to the Department of Labor, when needed, for adjudication of a claim, and to prepare reports as required by the Department of Labor.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is disclosed to the Department of Labor. (2) Standard routine use as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are stored on paper in file cabinets.

RETRIEVABILITY:

Records are indexed by NCUA Region, and date of injury.

SAFEGUARDS:

Records are maintained in locked file drawer.

RETENTION AND DISPOSAL:

Records are disposed five years after the year to which they relate.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Office of Human Resources, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

≤NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, then individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Individual on whom the record is maintained; superiors of individual; individual's physician; hospital attending individual; Department of Labor.

NCUA–8

SYSTEM NAME:

Investigative Reports Involving Any Crime, Suspected Crime or Suspicious Activity Against a Credit Union, NCUA.

SYSTEM LOCATION:

Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. Computerized records of Suspicious Activity Reports (SAR), with status updates, are managed by the Financial Crimes Enforcement Network (FinCEN), Department of the Treasury, pursuant to a contractual agreement, and are stored in Detroit, Michigan. Authorized personnel at NCUA's Central Office and six regional offices have on-line access to the computerized database managed by FinCEN through individual work stations that are linked to the database central computer.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Directors, officers, committee members, employees, agents, and persons participating in the conduct of the affairs of federally insured credit unions who are reported to be involved in suspected criminal activity or suspicious financial transactions and are referred to law enforcement officials; and other individuals who have been involved in irregularities, violations of law, or unsafe or unsound practices referenced in documents received by the NCUA in the course of exercising its supervisory functions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Inter- and intra-agency correspondence, memoranda and reports. The SAR contains information identifying the credit union involved, the suspected person, the type of suspicious activity involved, and any witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1786 and 1789.

PURPOSE(S):

The overall system serves as a NCUA repository for investigatory or enforcement information related to its responsibility to examine and supervise federally insured credit unions. The system maintained by FinCEN serves as the database for the cooperative storage, retrieval, analysis, and use of information relating to Suspicious Activity Reports made to or by the NCUA Board, the Federal Reserve Board, the Office of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Office of Thrift Supervision, (collectively, the federal financial regulatory agencies), and FinCEN to various law enforcement agencies for possible criminal, civil, or administrative proceedings based on known or suspected violations affecting or involving persons, financial institutions, or other entities under the supervision or jurisdiction of such federal financial regulatory agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS, AND THE PURPOSES OF SUCH USES: INFORMATION IN THESE RECORDS MAY BE USED TO:

(1) Determine if any further agency action should be taken. (2) Provide the federal financial regulatory agencies and FinCEN with information relevant to their operations; (3) Disclose information to third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation; (4) With regard to formal or informal enforcement actions; release information pursuant to 12 U.S.C. 1786(s), which requires the NCUA Board to publish and make available to the public final orders and written agreements, and modifications thereto; and (5) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

The records will be maintained in electronic data processing systems and paper files.

RETRIEVABILITY:

Computer output and file folders are retrievable by indexes of data fields, including name of the credit union, NCUA Region, and individuals' names.

SAFEGUARDS:

Paper records and word processing discs are stored at the NCUA in lockable metal file cabinets. The database maintained by FinCEN complies with applicable security requirements of the Department of the Treasury. On-line access to the information in the database is limited to authorized individuals who have been designated by each federal financial regulatory agency and FinCEN, and each such individual has been issued a nontransferable identifier or password.

RETENTION AND DISPOSAL:

Records are maintained indefinitely.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, NCUA, 1775 Duke Street, Alexandria, VA 22314–3428.

NOTIFICATION PROCEDURE:

Inquiries should be sent to the System Manager as noted above.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure'' above.

CONTESTING RECORDS PROCEDURES:

Same as ''Notification procedure'' above.

RECORD SOURCE CATEGORIES:

Information received by the NCUA Board from various sources, including, but not limited to law enforcement and other agency personnel involved in sending inquiries to the NCUA Board, NCUA examiners, credit union officials, employees, and members. The information maintained by FinCEN is compiled from SAR and related historical and updating forms compiled by financial institutions, the NCUA Board, and the other federal financial regulatory agencies for law enforcement purposes.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is exempt from 5 U.S.C. 552a(c)(3), (d)(1), (d)(2), (d)(3), (d)(4), (e)(1), (e)(4) (G), (H) and (I), and (f) of the Privacy Act pursuant to 5 U.S.C. 552a(k)(2).

NCUA–9

SYSTEM NAME:

Freedom of Information and Privacy Act Requests and Invoices, NCUA.

SYSTEM LOCATION:

For requests processed by the central office, the system is located at the Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428. For requests processed by a regional office, the system is located at the regional office (See appendix B for a list of addresses of the regional offices.) For requests processed by the Office of Inspector General, the system is located in the Office of the Inspector General, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314. For requests processed by the Asset Management and Assistance Center, the system is located at AMAC, 4807 Spicewood Springs Road, Austin, Texas 78759.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records includes information pertaining to any Freedom of Information Act (FOIA) or Privacy Act requester.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system may contain the requester's name, company name or organization, address, date of request, invoice number, amount due, phone number, social security or tax identification number, description of information requested and documents located or result of search for documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1789, 5 U.S.C. 552, 5 U.S.C. 552a.

PURPOSE(S):

Records in this system are used to process requests received. These records may be used by the NCUA for collection of the amount due, as well as to identify subsequent requests made by the same individuals.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The information may be disclosed to a consumer reporting agency. The information disclosed to a consumer reporting agency is limited to: (a) Information necessary to establish the identity of the individual, including name, address, and social security or taxpayer identification number; (b) the amount, status, and history of the claim; and (c) the agency or program under which the claim arose.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper hard copy and computer disk.

RETRIEVABILITY:

Records in this system are retrievable by requester's name, company name or organization, date of request, category of requester or invoice number.

SAFEGUARDS:

Physical security consists of storing records on a password protected computer database and a hard copy secured in a metal file cabinet which is accessible only to those individuals responsible for processing requests and collecting outstanding payments.

RETENTION AND DISPOSAL:

Records are retained for various periods depending on the determination made on the request, but normally no greater than six years following the year in which the request was processed.

SYSTEM MANAGER(S) AND ADDRESS:

For requests processed at the central office, the system manager is the Freedom of Information Act Officer, Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314. For requests processed in a regional office, the system manager is the Regional Director (See appendix B for a list of addresses of the regional offices.) For requests processed by the Office of Inspector General, the system manager is the Inspector General, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314. For requests processed by the Asset Management and Assistance Center, the system manager is the President, AMAC, 4807 Spicewood Springs Road, Austin, Texas 78759.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

The sources of records for this system of records are the FOIA and Privacy Act request files.

NCUA–10

SYSTEM NAME:

Liquidating Credit Union Records System, NCUA.

SYSTEM LOCATION:

Information within this system of records is located at the Asset and Management Assistance Center (AMAC) 4807 Spicewood Springs Road, Suite 5100, Austin, Texas 78759.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members, employees and creditors of liquidating federally-insured credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Share and account records; personal data regarding income and debts; payment or employment history; accounts payable records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1787.

PURPOSE(S):

The information in this system is used to determine insurance, collect loan amounts due and for all purposes necessary to close out the affairs of the liquidated credit union.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information is used for payment of insurance claims to shareholders in liquidating federally-insured credit unions. (2) Information is used in the collection of outstanding loans, which may include referral of information to third party servicer providers or potential purchasers of the loans. (3) Information is used for all purposes necessary to close out the affairs of the liquidated credit union and carry out all appropriate liquidation-related functions of NCUA. (4) Information may be disclosed to address locators or a surety company in pursuit of a fidelity bond claim. (5) Information on unclaimed insured shares is included in a database on the NCUA web site after other efforts to locate account holders have failed. (6) Information may be disclosed to the appropriate federal, state or local government agency, such as the Internal Revenue Service, if required by law or regulation or upon appropriate request. (7) Standard routine uses as set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

This information is maintained on computer databases and hard copy. Copies of share and loan documents, incoming payments, and loan portfolios may also be maintained on microfilm copy.

RETRIEVABILITY:

Information is indexed by name of individual and by name of closed insured credit union.

SAFEGUARDS:

Information is maintained in secured offices and in password protected computer databases.

RETENTION AND DISPOSAL:

Information is disposed of when no longer needed or within seven years after date of charter cancellation.

SYSTEM MANAGER(S) AND ADDRESS:

President, AMAC, 4807 Spicewood Springs Road, Suite 5100, Austin, Texas 78759.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains

information pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no information on the individual, the individual will be so advised. Written inquiries should include name of inquirer, name of closed insured credit union of which inquirer was a member, and share and loan account numbers, if known.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available information.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above. Record source categories: Information is obtained from outside address locators; share and loan account files of the liquidating credit union of which the individual was a member; third party service providers; and credit bureaus.

NCUA–11

SYSTEM NAME:

Office of Inspector General (OIG) Investigative Records, NCUA.

SYSTEM LOCATION:

Office of Inspector General, NCUA, 1775 Duke Street, Alexandria, VA 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Subjects of investigation, complainants, and witnesses referred to in complaints or actual investigative cases, reports, accompanying documents, and correspondence prepared by, compiled by, or referred to the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system is comprised of paper files of all OIG and some predecessor Office of Internal Auditor reports, correspondence, cases, matters, cross-indices, memoranda, materials, legal papers, evidence, exhibits, data, and workpapers pertaining to all closed and pending investigations and inspections.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Inspector General Act of 1978, as amended, 5 U.S.C. App.3; 12 U.S.C. 1766.

PURPOSE(S):

Records in this system document the investigative work of the Office of Inspector General.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The National Credit Union Administration Office of Inspector General (OIG) may disclose information contained in a record in this system of records without the consent of the individual if the disclosure is compatible with the purpose for which the record was collected, under the following routine uses. (1) The OIG may disclose information from this system of records as a routine use to any public or private source, including a federal, state, or local agency maintaining civil, criminal, or other relevant enforcement information or other pertinent information, but only to the extent necessary for the OIG to obtain information from those sources relevant to an OIG investigation, audit, inspection, or other inquiry. (2) The OIG may disclose information from this system of records as a routine use to the Department of Justice to the extent necessary to obtain its legal advice on any matter relevant to an OIG investigation, audit, inspection, or other inquiry related to the responsibilities of the OIG. (3) The OIG may disclose information to other federal entities, such as other Offices of Inspector General, to the General Accounting Office, or to a private party with which the OIG or the NCUA has contracted or with which it contemplates contracting, for the purpose of auditing or reviewing the performance or internal management of the OIG's investigative program, or for performing any other functions or analyses that facilitate or are relevant to an OIG investigation, audit, inspection or other inquiry. Such contractor or private firm shall be required to maintain Privacy Act safeguards with respect to such information. (4) The OIG may disclose information from this system of records to any federal, state, local, or foreign agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an OIG decision concerning the retention of an employee or other personnel action (other than hiring), the retention of a security clearance, the letting of a contract, or the issuance or retention of a grant or other benefit. (5) The OIG may disclose information in this system to federal, state, local or professional licensing boards or Boards of Medical Examiners, when such records reflect on the qualifications of an licensed individual or an individual seeking to be licensed. (6) The OIG may disclose information from this system of records for the purposes set forth in Appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information contained in this system is stored manually in files.

RETRIEVABILITY:

Information is retrieved in files by case number, general subject matter, or name of the subject of investigation.

SAFEGUARDS:

Case reports and workpapers are maintained in approved security containers and locked filing cabinets in a locked room. Associated paper records are stored in locked metal filing cabinets, safes, or similar secure facilities.

RETENTION AND DISPOSAL:

Investigative Case Files

1. Case files are normally destroyed when they are 5 years old.

2. Significant cases (those that result in national media attention, congressional investigation, or substantive changes in agency policy or procedures)—To be determined by the National Archives and Records Administration on a case-by-case basis.

SYSTEM MANAGER(S) AND ADDRESS:

Inspector General, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428.

NOTIFICATION PROCEDURE:

This System of Records is generally exempt from the notice, access, and amendment requirements of the Privacy Act. However, the NCUA will entertain written requests to the systems manager on a case by case basis for notification regarding whether this system of records contains information about an individual. Requests should be marked ''Privacy Act request,'' and should state the name and address of the requester, and provide a notarized statement, or other documentation, e.g., copy of a driver's license, attesting to the individual's identity. Requests submitted on behalf of other persons must include their written authorizations. Such requests in the form prescribed may also be presented in person at the Office of Inspector General, National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314–3428. Simultaneously with requesting notification of inclusion in his system of records, the individual may request record access as described in this section.

RECORD ACCESS PROCEDURES:

Same as ''Notification procedure.''

CONTESTING RECORD PROCEDURES:

Same as ''Notification procedure.''

RECORD SOURCE CATEGORIES:

The OIG collects information from many sources, including the subject individuals, employees of the NCUA, other government employees, and witnesses and informants, and non-governmental sources.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 USC 552a(j)(2), this system of records is exempt from subsections (c)(3) and (4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (f) and (g) of the Act. This exemption applies to information in the system that relates to criminal law enforcement and meets the criteria of the (j)(2) exemption. Pursuant to 5 USC 552(k)(2), to the extent that the system contains investigative material compiled for law enforcement purposes, other than material within the scope of subsection (j)(2), this system of records is exempt from 5 USC 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f). The exemption rule is contained in 12 CFR 792.34 of the NCUA regulations.

NCUA–12

SYSTEM NAME:

Consumer Complaints Against Federal Credit Unions, NCUA.

SYSTEM LOCATION:

Information is maintained in NCUA's six regional offices (see appendix B for regional office locations).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons who submit complaints concerning operating federal credit unions.

CATEGORIES OF RECORDS IN THE SYSTEM:

Complaint letters, investigation reports, and related correspondence concerning the complainants and the federal credit union involved.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766(i)(1) and 1789(a)(7); 5 U.S.C. 301; 15 U.S.C. 1601–1693.

PURPOSE(S):

This system documents the number and type of consumer complaints received and processed by NCUA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) Information may be disclosed to officials of Federal credit unions and other persons mentioned in a complaint or identified during an investigation. (2) Disclosures may be made to the Federal Reserve Board, other federal financial regulatory agencies, the Federal Financial Institutions Examination Council, the White House Office of Consumer Affairs, and the Congress or any of its authorized committees in fulfilling reporting requirements or assessing implementation of applicable laws and regulations. (Such disclosures will be made in a nonidentifiable manner when feasible and appropriate.) (3) Referrals may also be made to other federal and nonfederal supervisory or regulatory authorities when the subject matter is a complaint or inquiry which is more properly within such agency's jurisdiction. (4) Standard routine uses as set forth in appendix A.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM: STORAGE:

Records are stored on paper or computer database.

RETRIEVABILITY:

Records are retrievable from files by federal credit union name, by complainant name, or assigned control number.

SAFEGUARDS:

Records are maintained in secured offices in either a file cabinet or on a password protected computer system.

RETENTION AND DISPOSAL:

Records are retained for three years, then destroyed. Consumer's name, federal credit union's name, subject of complaint, date received, and date resolved are kept until no longer needed.

SYSTEM MANAGER(S) AND ADDRESS:

The System Manager is the Regional Director in the regional office where the complaint was processed. (See appendix B for Regional Office addresses.)

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Upon request, the system manager will set forth the procedures for gaining access to available records.

CONTESTING RECORD PROCEDURES:

Request to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Complainant (and his or her representative, which may include, e.g., a member of Congress or an attorney); federal credit union officials; employees and members of the credit union involved; and NCUA examiners and central files on federal credit unions.

NCUA–13

SYSTEM NAME:

Litigation Case Files, NCUA.

SYSTEM LOCATION:

Office of General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained in files by the case name of individuals who are: The subject of NCUA investigations made in contemplation of legal action; involved in civil litigation with NCUA or involved in administrative proceedings; involved in litigation of interest to NCUA; or pursuing tort claims.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in case files include: Investigative reports relating to possible felonies or violations of the Federal Credit Union Act; transcripts of testimony or affidavits; documents and other evidentiary matters, pleadings and other documents filed in court; orders filed or issued in civil, administrative or criminal proceedings; correspondence relating to investigatory or litigation matters; information provided by the individual under investigation or from a federal credit union; and other memoranda gathered and prepared by staff in performance of their duties.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

12 U.S.C. 1766, 1786, 1787, and 1789; 28 U.S.C. 2671–2680.

PURPOSE(S):

This system documents the preparation and progress of legal proceedings and investigations conducted by the Office of General Counsel.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

(1) The staff of the Office of General Counsel may use such records to render legal advice concerning investigations or courses of legal action; to represent NCUA in all judicial and administrative proceedings in which NCUA or any of its employees who, within the scope of employment and in an official capacity, is a party; or to intervene as an amicus

curiae. (2) The information in this system may be disclosed to federal, state, local or professional licensing boards or Boards of Medical Examiners, when such records reflect on the qualifications or fitness of a licensed individual or an individual seeking to be licensed. (3) Standard routine uses set forth in appendix A.

SYSTEM MANAGER(S) AND ADDRESS:

General Counsel, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428.

NOTIFICATION PROCEDURE:

An individual may inquire as to whether the system contains a record pertaining to the individual by addressing a request in person or by mail to the system manager listed above. If there is no record on the individual, the individual will be so advised.

RECORD ACCESS PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

CONTESTING RECORD PROCEDURES:

Requests to amend or correct a record should be directed to the system manager listed above.

RECORD SOURCE CATEGORIES:

Record source categories vary depending upon the legal issue but generally are obtained from the following: NCUA staff and internal agency memoranda; federal employees and private parties involved in torts; contracts; federal credit union files or officials; general law texts and sources; law enforcement officers; witnesses and others; administrative and court pleadings, transcripts or judicial orders/decisions; evidence gathered in connection with the matter involved; and from individuals to whom the records relate.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

This system is subject to the specific exemption provided by 5 U.S.C. 552a(k)(2), as the system of records is investigatory material compiled for law enforcement purposes.

Appendix A—Standard Routine Uses Applicable to NCUA Systems of Records

1. If a record in a system of records indicates a violation or potential violation of civil or criminal law or a regulation, and whether arising by general statute or particular program statute, or by regulation, rule, or order, the relevant records in the system or records may be disclosed as a routine use to the appropriate agency, whether federal, state, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order issued pursuant thereto. 2. A record from a system of records may be disclosed as a routine use to a federal, state, or local agency which maintains civil, criminal, or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit. 3. A record from a system of records may be disclosed as a routine use to a federal agency, in response to its request, for a matter concerning the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter. 4. A record from a system of records may be disclosed as a routine use to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. Further, a record from any system of records may be disclosed as a routine use to the Office of Personnel Management in accordance with the agency's responsibility for evaluation and oversight of federal personnel management. 5. A record from a system of records may be disclosed as a routine use to officers and employees of a federal agency for purposes of audit. 6. A record from a system of records may be disclosed as a routine use to a member of Congress or to a congressional staff member in response to an inquiry from the congressional office made at the request of the individual about whom the record is maintained. 7. A record from a system of records may be disclosed as a routine use to the officers and employees of the General Services Administration (GSA) in connection with administrative services provided to this Agency under agreement with GSA. 8. Records in a system of records may be disclosed as a routine use to the Department of Justice, when (a) NCUA, or any of its components or employees acting in their official capacities; or (b) Any employee of NCUA in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) The United States, where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, NCUA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected. 9. Records in a system of records may be disclosed as a routine use in a proceeding before a court or adjudicative body before which NCUA is authorized to appear, when (a) NCUA, or any of its components or employees acting in their official capacities; or (b) Any employee of NCUA in his or her individual capacity where NCUA has agreed to represent the employee; or (d) The United States, where NCUA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and NCUA determines that use of such records is relevant and necessary to the litigation, provided, however, that in each case, NCUA determines that disclosure of the records to the Department of Justice is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

Appendix B—List of Regional Offices (Addresses and States Covered by Each Region)

I. NCUA Region I Regional Office: 9 Washington Square, Washington Square Extension, Albany, NY, Phone (518) 472–4554.
States covered: Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Puerto Rico, Rhode Island, Vermont, Virgin Islands.

II. NCUA Region II Regional Office: 1775 Duke Street, Suite 4206, Alexandria, VA 22314, Phone: (703) 519–4600.
States covered: Delaware, District Of Columbia, Maryland, New Jersey, Pennsylvania, Virginia.

III. NCUA Region III Regional Office: 7000 Central Parkway, Suite 1600, Atlanta, GA 30328, Phone (678) 443–3000.
States covered: Arkansas, Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Puerto Rico, South Carolina, Tennessee, Virgin Islands.

IV. NCUA Region IV Regional Office: 4225 Naperville Road, Suite 125, Lisle, IL 60532, Phone:(630) 955–4100.
States covered: Illinois, Indiana, Michigan, Missouri, Ohio, West Virginia, Wisconsin.

V. NCUA Region V Regional Office: 4807 Spicewood Springs Road, Suite 5200, Austin, TX 78759, Phone: (512) 342–5600.
States covered: Arizona, Colorado, Iowa, Kansas, Minnesota, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas.

VI. NCUA Region VI Regional Office: 2300 Clayton Road, Suite 1350, Concord, CA 94520, Phone: (925) 363–6200.
States covered: Alaska, California, Guam, Hawaii, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming.

By the National Credit Union Administration Board on January 4, 2000.

Becky Baker,

Secretary of the Board.

[FR Doc. 00–1393 Filed 1–20–00; 8:45 am]

BILLING CODE 7535–01–U

NUCLEAR REGULATORY COMMISSION

Risk-Informed Corrective Action Program

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting.

SUMMARY: The Nuclear Regulatory Commission has instructed its staff to explore potential areas where regulations can be made more risk-informed and performance based. One area that the staff finds of interest involves the ability of licensee's to risk-monitor and risk-prioritize their corrective action programs. This noticed meeting is to discuss the computerized program developed by Bill Vesely and implemented by at least one utility, (PP&L—Susquehanna) to risk-inform their corrective action program. The meeting will focus on the program's use and application, associated results and findings, and potential for application in this and other areas of the regulatory process.

Meeting Information: The staff intends to conduct a meeting to provide for an exchange of information related to the licensee's corrective action programs. Persons other than NRC staff and NRC contractors interested in making a presentation at the meeting should notify John H. Flack, Office of Nuclear Regulatory Research, MS: T10–E46, U.S. Nuclear Regulatory Commission, Washington D.C. 20555–0001, (301) 415–5739, email: jhf@nrc.gov.

Date: February 1, 2000.

Time: 2:00pm–4:00pm.

Location: Two White Flint North, 11545 Rockville Pike, Room T–10A1, Rockville, Maryland 20852.

Registration: N/A.

FOR FURTHER INFORMATION CONTACT: John H. Flack, Office of Nuclear Regulatory Research, MS: T10–E46, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555–0001, (301) 415–5739, email: jhf@nrc.gov.

Dated this 13th day of January 2000.
For the Nuclear Regulatory Commission.

Jack E. Rosenthal,

Chief, Regulatory Effectiveness Assessment & Human Factors Branch, Division of Systems Analysis and Regulatory Effectiveness, Office of Nuclear Regulatory Research.

[FR Doc. 00–1453 Filed 1–20–00; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Currently Approved Information Collection: RI 25–41

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of a currently approved information collection. RI 25–41, Initial Certification of Full-Time School Attendance, is used to determine whether a child is unmarried and a full-time student in a recognized school. OPM must determine this in order to pay survivor annuity benefits to children who are age 18 or older.

Comments are particularly invited on: whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 1,200 RI 25–41 forms are completed annually. It takes approximately 90 minutes to complete the form. The annual burden is 1,800 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov

DATES: Comments on this proposal should be received on or before March 21, 2000.

ADDRESSES: Send or deliver comments to—Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415.

FOR FURTHER INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget and Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–1337 Filed 1–20–00; 8:45 am]

BILLING CODE 6325–01–M

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 20–63, RI 20–116, RI 20–117

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 20–63, Survivor Annuity Election for a Spouse, is used by annuitants to elect a reduced annuity with a survivor annuity for their spouse. RI 20–116 is a cover letter for RI 20–63 giving information about the cost to elect less than the maximum survivor annuity. This letter may be used to decline to elect. RI 20–117 is a cover letter for RI 20–63 giving information about the cost to elect the maximum survivor annuity. This letter may be used to ask for more information or to decline to elect.

RI 20–117 is accompanied by RI 20–63A, Information on Electing a Survivor Annuity for Your Spouse, or RI 20–63B, Information on Electing a Survivor Annuity for Your Spouse When You Are Providing a Former Spouse Annuity. Both books explain the election. RI 20–63A is for annuitants who do not have a former spouse who is entitled to a survivor annuity benefit; RI 20–63B is for those who do have a former spouse who is entitled to a benefit. These books do not require OMB clearance. They have been included because they provide the annuitant additional information.

Approximately 2,200 RI 20–63 forms and 200 cover letters are completed per year. It is estimated to take approximately 45 minutes to complete the form with a burden of 1,800 hours and 10 minutes to complete the letter, which gives a burden of 34 hours. The total burden for RI 20–63 is 1,834 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received, on or before February 22, 2000.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415,

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–1336 Filed 1–20–00; 8:45 am]

BILLIING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: SF 2803 AND SF 3108

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. SF 2803, Application to Make Deposit or Redeposit (CSRS), and SF 3108, Application to Make Service Credit Payment for Civilian Service (FERS), are applications to make payment used by persons who are eligible to pay for Federal service which was not subject to retirement deductions and/or for Federal service which was subject to retirement deductions which were subsequently refunded to the applicant.

In addition to the current Federal employees who will use these forms, we expect to receive approximately 75 filings of each form from former Federal employees per year. Each form takes approximately 30 minutes to complete. The annual burden is 75 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be on or before February 22, 2000.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415,

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW Room 10235, Washington, DC 20503.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst, Budget & Administrative Services Division, (202) 606–0623.

Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–1338 Filed 1–20–00; 8:45 am]

BILLIING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Comment Request for Review of a Revised Information Collection: RI 30–9

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for review of a revised information collection. RI 30–9, Reinstatement of Disability Annuity Previously Terminated Because of Restoration to Earning Capacity, informs former disability annuitants of their right to request restoration under title 5, U.S.C., Section 8337. It also specifies the conditions to be met and the documentation required for a person to request reinstatement.

Approximately 200 forms are completed annually. The form takes approximately 60 minutes to respond, including a medical examination. The annual estimated burden is 200 hours. Burden may vary depending on the time required for a medical examination.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or E-mail to mbtoomey@opm.gov.

DATES: Comments on this proposal should be received on or before February 22, 2000.

ADDRESSES: Send or deliver comments to—

Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349, Washington, DC 20415

and

Joseph Lackey, OPM Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, NW, Room 10235, Washington, DC 20503

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION—CONTACT: Phyllis R. Pinkney, Management Analyst Budget & Administrative Services Division (202) 606–0623.

U.S. Office of Personnel Management.

Janice R. Lachance,

Director.

[FR Doc. 00–1340 Filed 1–20–00; 8:45 am]

BILLIING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Laboratory Personnel Management Demonstration Project: Department of the Air Force

AGENCY: Office of Personnel Management.

ACTION: Notice of change in demonstration project procedures.

SUMMARY: Title VI of the Civil Service Reform Act, 5 U.S.C. 4703, authorizes the Office of Personnel Management (OPM) to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal personnel management.

Public Law 103–337, October 5, 1994, permits the Department of Defense (DoD), with the approval of OPM, to carry out personnel demonstration projects generally similar to the China Lake demonstration project at DoD Science and Technology (S&T) reinvention laboratories. The Air Force implemented its demonstration project on March 2, 1997, which covers its

reinvention laboratory, the Air Force Research Laboratory (AFRL).

DATES: This amendment to the demonstration project may be implemented beginning on the date of approval of this notice.

FOR FURTHER INFORMATION CONTACT: AFRL Ms. Michelle Neuner, AFRL/HR, 1864 4th Street, Suite 1, Wright Patterson AFB, Ohio 45433–7131, 937–904–9600. OPM Mr. John Andre, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7460, Washington DC 20415, 202–606–2820.

SUPPLEMENTARY INFORMATION:

1. Background

On November 27, 1996, OPM published in the **Federal Register** (61 FR 60400) the approval to conduct a demonstration project in the Department of the Air Force. The AFRL demonstration project involves simplified job classifications, two types of appointment authorities, an extended probationary period, pay banding, and a contribution-based compensation system (CCS).

2. Overview

The final plan outlined in the November 27, 1996 **Federal Register** stated that the extended probationary period would ''apply to non-status hires'' and went on to state that it would ''apply to new hires or those who do not have reemployment or reinstatement rights.'' These statements are somewhat contradictory in that a ''new hire'' could also include a ''status hire'' appointed from a register, which requires a probationary period. This notice clarifies probationary period requirements.

Experience through two cycles under the CCS has shown that changes are needed to provide the ability to assign an overall CCS score up to 5.25 and to pay a CCS bonus to level IV employees who are subject to the GS–15, step 10 pay cap. This notice changes the maximum assignable overall score and establishes eligibility for the CCS bonus.

In order to clarify the proper application of broadband level descriptor ''Cooperation and Supervision'' and CCS Factor 6 ''Cooperation and Supervision,'' the name is being changed to ''Teamwork and Leadership.'' This notice implements the name change.

Office of Personnel Management.

Janice R. Lachance,

Director.

I. Executive Summary

The Department of the Air Force established the Air Force Laboratory Personnel Management Demonstration Project to be generally similar to the system in use at the Navy Personnel Demonstration Project known as China Lake. The Air Force project was built upon the concept of a contribution-based compensation system, two appointing authorities, extended probationary period, simplified classification procedures delegated to the AFRL Commander, and pay banding.

II. Introduction

Purpose

The purpose of this notice is to clarify which employees are subject to the extended probationary period; provide the CCS bonus to eligible employees subject to the GS–15, step 10 pay cap; and change the name of broadband level descriptor ''Cooperation and Supervision'' and CCS Factor 6 ''Cooperation and Supervision'' to ''Teamwork and Leadership.'' No other changes are made to the sections referred to herein. Pursuant to 5 CFR 470.315, the changes are hereby made to the **Federal Register**, Part V, Laboratory Personnel Management Demonstration Project; Department of the Air Force; Notice, Volume 61, Number 230, pages 60400–60424 Wednesday, November 27, 1996; Section III.A.3, Section III.C.2, and Sections III.D.1, 3, and 5 as outlined in the following paragraphs.

III. Personnel System Changes

A. Hiring and Appointment Authorities

Change Section III.A.3, Extended Probationary Period, by replacing it in its entirety as follows:

A new employee needs to demonstrate adequate contribution during all cycles of a research effort for a laboratory manager to render a thorough evaluation. The current one year probationary period will be extended to three years for all newly hired regular career employees. The purpose of extending the probationary period is to allow supervisors an adequate period of time to fully evaluate an employee's contribution and conduct. The three-year probationary period will apply to individuals required to serve a probationary period as described in 5 CFR 315.801 with the exception that current Federal employees who enter the demonstration project while serving a probationary period are required only to complete one year of probation. Prior Federal civilian service counts toward completion of probation when the service meets the criteria specified in 5 CFR 315.802.

Aside from extending the time period, all other features of the current probationary period are retained including the potential to remove an employee without providing the full substantive and procedural rights afforded a non-probationary employee. Any employee appointed prior to the implementation date will not be affected. Participants in the Palace Knight and Senior Knight programs are not included in the demonstration project until they reassign from their Air Force Personnel Center (AFPC) authorization/position to an AFRL manpower authorization/position. Once placed on the demonstration project position, Palace Knights and Senior Knights who were appointed to AFPC rolls after the implementation of the Demonstration Project must complete three years of directly supervised employment in the laboratory to complete the probationary period. Those appointed to AFPC rolls prior to implementation are subject to the original probationary period, as defined under the terms of employment. Time spent at school does not count toward fulfilling the probationary requirement.

Probationary employees will be terminated when the employee fails to demonstrate proper conduct, technical competence, and/or adequate contribution for continued employment. In terminating probationary employees, AFRL will provide employees with written notification of the reasons for their separation and provide the effective date of the action.

B. Classification

Change Section III.C.2, Classification Standards, by replacing all references to ''Cooperation and Supervision'' with ''Teamwork and Leadership.''

C. Contribution-Based Compensation System

1. Change Section III.D.1, Overview, by replacing all references to ''Cooperation and Supervision'' with ''Teamwork and Leadership.''

2. Change Section III.D.3, The CCS Assessment Process, by replacing the third paragraph in its entirety as follows:

Factor scores are then averaged to give an overall CCS score. The broadband is well defined for overall CCS scores from 1.0 to 5.25. Differing degrees of ''exceeded'' or ''failed'' contributions, reflective of overall CCS scores outside this range, have no impact on CCS payouts. The maximum expected overall CCS score for the broadband level IV is set at 5.25 to be consistent with the maximum expected overall CCS scores for other broadband levels (4.25 for broadband level III, 3.25 for broadband level II, and 2.25 for broadband level I). Therefore, when the average of CCS factor scores exceeds 5.25, the overall CCS score will be set to 5.25 with the individual identified to upper management as having exceeded the maximum contribution defined by the broadband. Employees with an overall CCS score below 1.0 are automatically deemed to be above the upper rail for purposes of CCS assessment and associated salary adjustments.

3. Change Section III.D.5, Salary Adjustment Guidelines, by replacing the third paragraph in its entirety as follows:

Employees whose CCS score would result in awarding of ''I'' money such that the salary exceeds the maximum salary for broadband level II would be eligible for one of the following: movement into level III if a high grade allocation exists (section III D 6), or salary adjustment to the maximum salary in level II and a ''bonus'' payout of the additional ''I'' funds warranted by the assessment. Employees whose CCS score would result in awarding of ''I'' money such that the salary exceeds the maximum salary for broadband level IV will receive salary adjustment to the maximum salary in level IV and a ''bonus'' payout of the additional ''I'' funds warranted by the assessment. This bonus payment will not permanently increase base salary.

[FR Doc. 00–1342 Filed 1–20–00; 8:45 am]

BILLIING CODE 6325–01–U

OFFICE OF PERSONNEL MANAGEMENT

Science and Technology Laboratory Personnel Management Demonstration Project, Department of the Army, Army Research Laboratory (ARL)

AGENCY: Office of Personnel Management (OPM).

ACTION: Notice of amendment of a demonstration project plan and inclusion of competitive examining and Distinguished Scholastic Achievement Appointment authorities (See 5 CFR 470.315). Clarification of plan regarding OPM's approval of the plan's performance appraisal system.

SUMMARY: 5 U.S.C. 4703 authorizes the OPM to conduct demonstration projects that experiment with new and different personnel management concepts to determine whether such changes in personnel policy or procedures would result in improved Federal personnel management.

Public Law 103–337, October 5, 1994, permits the Department of Defense (DoD), with the approval of the OPM, to carry out personnel demonstration projects at DoD Science and Technology (S&T) Reinvention Laboratories. This notice identifies the competitive examining and Distinguished Scholastic Achievement Appointment authorities for the ARL. Additionally, this notice makes explicit the intent of the demonstration project regarding OPM approval of the performance appraisal system already contained in the project plan.

DATES: This amendment to the demonstration project may be implemented at the ARL beginning on the date of publication of this notice.

FOR FURTHER INFORMATION CONTACT:

ARL: Mr. Jack R. Wilson, II, U.S. Army Research Laboratory, ATTN: AMSRL–CS–HR, 2800 Powder Mill Road, Adelphi, MD 20783–1197, phone 301–394–1105.

OPM: Mr. Gary Hacker, U.S. Office of Personnel Management, ATTN: OP–OMSOE, 1900 E Street, NW, Room 7460, Washington, DC 20415, phone 202–606–2820.

SUPPLEMENTARY INFORMATION:

1. Background

OPM approved and published the final plan in the **Federal Register** for the S&T Reinvention Laboratory Personnel Management Demonstration Project at the ARL on Wednesday, March 4, 1998, Volume 63, Number 42, Part II, with a correction published Thursday, March 19, 1998, Volume 63, Number 53, page 13458.

The demonstration project involves simplified job classification, pay banding, a performance-based compensation system, employee development provisions, and modified reduction-in-force procedures.

2. Overview

At the beginning of the project, when asked what they would like to change in the existing personnel management system, managers at the laboratory overwhelmingly said, ''Speed up the hiring process and allow us to hire the best people.'' The project development team at the laboratory included such initiatives in earlier versions of the demonstration project plan. However, the initiatives were not included in ARL's **Federal Register** notice referenced above. The ARL requires a process which will allow for the rapid filling of vacancies, is less labor intensive, and is responsive to its needs.

Office of Personnel Management.

Janice R. Lachance,

Director.

I. Executive Summary

The Department of the Army established the personnel management demonstration project to be generally similar to the system in use at the Navy personnel demonstration project known as China Lake. The project and this amendment were built upon the concepts of linking performance to pay for all covered positions; simplifying paperwork in the processing of classification and other personnel actions; emphasizing partnerships among management, employees, and unions; and delegating other authorities to line managers.

II. Introduction

The demonstration project at the ARL attempts to provide managers, at the lowest practical level, the authority and flexibility needed to achieve a quality laboratory and quality products. The purpose of this amendment is to allow the ARL to compete more effectively for high quality personnel and strengthen the manager's role in personnel management. Restructuring the examining process and providing an authority to appoint candidates meeting distinguished scholastic achievements will help meet the purpose of this amendment and the goals of the demonstration project. Other basic provisions of the approved plan are unchanged.

III. Personnel System Changes

A. Competitive Examining Authority

1. Coverage

ARL proposes to demonstrate a streamlined examining process for both permanent and non-permanent positions. This authority will apply to all positions covered by the demonstration project with the exception of positions in the Senior Executive Service, Senior Level (ST/SL) positions, the Executive Assignment System or positions of Administrative Law Judge, and any examining process covered by court order. This authority will include the coordination of recruitment and public notices, the administration of the examining process, the administration of veterans' preference, the certification of candidates, and selection and appointment consistent with merit principles. ARL's implementing instructions will detail when this alternative examining process will be used versus the traditional examining process.

2. Description of Examining Process

The primary change in the examining process to be demonstrated is the grouping of eligible candidates into three quality groups using numerical scores and the elimination of consideration according to the ''rule of three.''

For each candidate, minimum qualifications will be determined using OPM's operating manual, ''Qualification Standards Handbook for General Schedule Positions,'' including any selective placement factors identified for the position. Candidates who meet basic (minimum) qualifications will be further evaluated based on knowledge, skills, and abilities which are directly linked to the position(s) to be filled. Based on this assessment, candidates will receive a numerical score of 70, 80, or 90. No intermediate scores will be granted except for those eligibles who

are entitled to veterans' preference. Preference eligibles meeting basic (minimum) qualifications will receive an additional 5 or 10 points (depending on their preference eligibility) which is added to the minimum scores identified above. Candidates will be placed in one of three quality groups based on their numerical score, including any veterans' preference points: Basically Qualified (score of 70 and above), Highly Qualified (score of 80 and above), or Superior (score of 90 and above). The names of preference eligibles shall be entered ahead of others having the same numerical rating.

For engineering/scientific and professional positions at the equivalent of GS–9 and above, candidates will be referred by quality groups in the order of the numerical ratings, including any veterans' preference points. For all other positions, i.e., other than engineering/scientific and professional positions at the equivalent of GS–9 and above, preference eligibles with a compensable service-connected disability of 10 percent or more who meet basic (minimum) eligibility will be listed at the top of the highest group certified.

In making their selections, selecting officials should be provided with a reasonable number of qualified candidates from which to choose. All candidates in the highest group will be certified. If there is an insufficient number of candidates in the highest group, candidates in the next lower group may then be certified. Should this process not yield a sufficient number, groups will be certified sequentially until a selection is made or the qualified pool is exhausted. When two or more groups are certified, candidates will be identified by quality group (i.e., Superior, Highly Qualified, Basically Qualified) in the order of their numerical scores. In making selections, to pass over any preference eligible(s) in order to select a nonpreference eligible requires approval under current pass-over or objection procedures.

B. Distinguished Scholastic Achievement Appointment

ARL further proposes to establish a Distinguished Scholastic Achievement Appointment using an alternative examining process which provides the authority to appoint undergraduates and graduates through the doctoral level to professional positions at the equivalent of GS–7 through GS–11, and GS–12 positions.

At the undergraduate level, candidates may be appointed to positions at a pay level no greater than the equivalent of GS–7, step 10, provided that: they meet the minimum standards for the position as published in OPM's operating manual, ''Qualification Standards for General Schedule Positions,'' plus any selective factors stated in the vacancy announcement; the occupation has a positive education requirement; and the candidate has a cumulative grade point average of 3.5 or better (on a 4.0 scale) in those courses in those fields of study that are specified in the Qualifications Standards for the occupational series.

Appointments may also be made at the equivalent of GS–9 through GS–12 on the basis of graduate education and/or experience for those candidates with a grade point average of 3.5 or better (on a 4.0 scale) for graduate level courses in the field of study required for the occupation.

Veterans' preference procedures will apply when selecting candidates under this authority. Preference eligibles who meet the above criteria will be considered ahead of nonpreference eligibles. In making selections, to pass over any preference eligible(s) to select a nonpreference eligible requires approval under current pass-over or objection procedures. Priority must also be given to displaced employees as may be specified in OPM and DoD regulations.

Distinguished Scholastic Achievement Appointments will enable the ARL to respond quickly to hiring needs with eminently qualified candidates possessing distinguished scholastic achievements.

IV. Required Waivers to Law and Regulations

Public Law 103–337 gave the DoD the authority to experiment with several personnel management innovations. In addition to the authorities granted by the law, the following are the waivers of law and regulation that will be necessary for amendment of the demonstration project. Additional waivers in the area of performance management make explicit the intent of the demonstration project regarding OPM approval of the performance appraisal system already contained in the project plan.

A. Waivers to Title 5, U.S. Code

Section 3317(a), Competitive Service; certification from registers (insofar as ''rule of three'' is eliminated under the demonstration project).

Section 3318(a), Competitive Service; selection from certificates (insofar as ''rule of three'' is eliminated under the demonstration project).

Section 4304(b)(1) and (3), Inasmuch as OPM approval of the final demonstration project plan enumerated in paragraph 1 of the **SUPPLEMENTARY INFORMATION,** above, also constitutes OPM approval of the performance appraisal system contained in that plan.

B. Waivers to Title 5, Code of Federal Regulations

Part 332.401 (b), Only to the extent that for non-professional or non-scientific positions equivalent to GS–9 and above, preference eligibles with a compensable service-connected disability of 10 percent or more who meet basic (minimum) qualification requirements will be entered at the top of the highest group certified without the need for further assessment.

Part 332.402, ''Rule of three'' will not be used in the demonstration project.

Part 332.404, Order of selection is not limited to highest three eligibles.

Part 430.210, Inasmuch as OPM approval of the final demonstration project plan enumerated in paragraph 1 of the **SUPPLEMENTARY INFORMATION,** above, also constitutes OPM approval of the performance appraisal system contained in that plan.

[FR Doc. 00–1341 Filed 1–20–00; 8:45 am]

BILLING CODE 6325–01–U

SECURITIES AND EXCHANGE COMMISSION

Request Under Review by Office of Management and Budget

Upon written request, copies available from: Securities and Exchange Commission, Office of Filings and Information Services, Washington, D.C. 20549.

Extension:

Rule 12a–5, Form 26, SEC File No. 270–85, OMB Control No. 3235–0079

Rule 12f–1, SEC File No. 270–139, OMB Control No. 3235–0128

Rule 12f–3, SEC File No. 270–141, OMB Control No. 3235–0249

Rule 15Ajensp;1, Forms X–15AJ–1 and X–15AJ–2 SEC File No. 270–25, OMB Control No. 3235–0044

Rule 15c2–1 SEC File No. 270–418, OMB Control No. 3235–0485

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Rule 12a–5 of the Securities Exchange Act of 1934 (the ''Act'') generally makes it unlawful for any security to be traded on a national securities exchange unless such security is registered on the exchange in accordance with the

provisions of the Act and the rules and regulations thereunder.

Rule 12a–5 under the Act and Form 26 were adopted by the Commission in 1936 and 1955, respectively, pursuant to Sections 3(a)(12), 10(b), and 23(a) of the Act. Subject to certain conditions, Rule 12a–5 affords a temporary exemption (generally for up to 120 days) from the registration requirements of Section 12(a) of the Act for a new security when the holders of a security admitted to trading on a national securities exchange obtain the right (by operation of law or otherwise) to acquire all or any part of a class of another or substitute security of the same or another issuer, or an additional amount of the original security. The purpose of the exemption is to avoid an interruption of exchange trading to afford time for the issuer of the new security to list and register it, or for the exchange to apply for unlisted trading privileges.

Under paragraph (d) of Rule 12a–5, after an exchange has taken action to admit any security to trading pursuant to the provisions of the Rule, the exchange is required to file with the Commission a notification on Form 26. Form 26 provides the Commission with certain information regarding a security admitted to trading on an exchange pursuant to Rule 12a–5, including: (1) The name of the exchange, (2) the name of the issuer, (3) a description of the security, (4) the date(s) on which the security was or will be admitted to when-issued and/or regular trading, and (5) a brief description of the transaction pursuant to which the security was or will be issued.

The Commission generally oversees the national securities exchanges. This mission requires that, under Section 12(a) of the Act specifically, the Commission receive notification of any securities that are permitted to trade on an exchange pursuant to the temporary exemption under Rule 12a–5. Without the Rule and the Form, the Commission would be unable fully to implement these statutory responsibilities.

There are currently eight national securities exchanges subject to Rule 12a–5. While approximately 40 Forms 26 are filed annually, the reporting burdens are not typically spread evenly among the exchanges.[1] For purposes of this analysis of burden, however, the staff has assumed that each exchange files an equal number (five) of Form 26 notifications. Each notification requires approximately 20 minutes to complete. Each respondent's compliance burden, then, in a given year would be approximately 100 minutes (20 minutes/report × 5 reports = 100 minutes), which translates to just over 13 hours in the aggregate for all respondents (8 respondents × 100 minutes/respondent = 800 minutes, or 13⅓ hours).

Based on the most recent available information, the Commission staff estimates that the cost to respondents of completing a notification on Form 26 is, on average, $15 per response. The staff estimates that the total annual related reporting cost per respondent is $75 (5 responses/respondent × $15 cost/response), for a total annual related cost to all respondents of $600 ($75 cost/respondent × 8 respondents).

Compliance with Rule 12a–5 is required to obtain the benefit of the temporary exemption from registration offered by the Rule. There are no recordkeeping requirements associated with Rule 12a–5. Information received in response to Rule 12a–5 shall not be kept confidential; the information collected is public information.

Rule 12f–1, originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Act and as modified in 1995, sets forth the information which an exchange must include in an application to reinstate its ability to extend unlisted trading privileges to any security for which such unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. An application must provide the name of the issuer, the title of the security, the name of each national securities exchange, if any, on which the security is listed or admitted to unlisted trading privileges, whether transaction information concerning the security is reported in the consolidated transaction reporting system contemplated by Rule 11Aa3–1 under the Act, and any other pertinent information Rule 12f–1 further requires a national securities exchange seeking to reinstate its ability to extend unlisted trading privileges to a security to indicate that it has provided a copy of such application to the issuer of the security, as well as to any other national securities exchange on which the security is listed or admitted to unlisted trading privileges.

The information required by rule 12f–1 enables the Commission to make the necessary findings under the Act prior to granting applications to reinstate unlisted trading privileges. This information is also made available to members of the public who may wish to comment upon the applications. Without the Rule, the Commission would be unable to fulfill these statutory responsibilities.

There are currently eight national securities exchanges subject to Rule 12f–1. The burden of complying with Rule 12f–1 arises when a potential respondent seeks to reinstate its ability to extend unlisted trading privileges to any security for which unlisted trading privileges have been suspended by the Commission, pursuant to Section 12(f)(2)(A) of the Act. The staff estimates that each application would require approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as eight responses annually and that each respondent's related cost of compliance with Rule 12f–1 would be $50, or, the cost of one hour of professional work needed to complete the application. The total annual related reporting cost for all potential respondents, therefore, is $400 (8 responses × $50/response).

Compliance with Rule 12f–1 is mandatory. There are no recordkeeping requirements associated with Rule 12f–1. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

Rule 12f–3, which was originally adopted in 1934 pursuant to Sections 12(f) and 23(a) of the Act, prescribes the information which must be included in applications for and notices of termination or suspension of unlisted trading privileges for a security as contemplated in Section 12(f)(4) of the Act. An application must provide, among other things, the name of the applicant; a brief statement of the applicant's interest in the question of termination of suspension of such unlisted trading privileges; the title of the security; the name of the issuer; certain information regarding the size of the class of security and its recent trading history; and a statement indicating that the applicant has provided a copy of such application to the exchange from which the suspension or termination of unlisted trading privileges are sought, and to any other exchange on which the security is listed or admitted to unlisted trading privileges.

The information required to be included in applications submitted pursuant to Rule 12f–3, is intended to provide the Commission with sufficient information to make the necessary findings under the Act to terminate or suspend by order the unlisted trading privileges granted a security on a national securities exchange. Without

[1] In fact, some exchanges do not file any notifications on Form 26 with the Commission in a given year.

the Rule, the Commission would be unable to fulfill these statutory responsibilities.

The burden of complying with Rule 12f–3 arises when a potential respondent, having a demonstrable bona fide interest in the question of termination or suspension of the unlisted trading privileges of a security, determines to seek such termination or suspension. The staff estimates that each such application to terminate or suspend unlisted trading privileges requires approximately one hour to complete. Thus each potential respondent would incur on average one burden hour in complying with the Rule.

The Commission staff estimates that there could be as many as ten responses annually and that each respondent's related cost of compliance with Rule 12f–3 would be $50, or, the cost of one hour of professional work needed to complete the application. The total annual related reporting costs for all potential respondents, therefore, is $500 (10 responses×50/response).

Compliance with the application requirements of Rule 12f–3 is mandatory, though the filing of such applications is undertaken voluntarily. There are no recordkeeping requirements associated with Rule 12f–3. Information received in response to Rule 12f–1 shall not be kept confidential; the information collected is public information.

Rule 12Aj–1 implements the requirements of Sections 15A, 17, and 19 of the Act by requiring every association registered as, or applying for registration as, a national securities association or as an affiliated securities association to keep its registration statement up-to-date by making periodic filings with the commission on Form X–15AJ–1 and Form X–15AJ–2.

Rule 15Aj–1 requires a securities association to promptly notify the Commission after the discovery of any inaccuracy in its registration statement or in any amendment or supplement thereto by filing an amendment to its registration statement on Form X–15AJ–1 correcting such inaccuracy. The Rule also requires an association to promptly notify the Commission of any change which renders no longer accurate any information contained or incorporated in its registration statement or in any amendment or supplement thereto by filing a current supplement on Form X–15AJ–1. Rule 15Aj–1 further requires an association to file each year with the Commission an annual consolidated supplement on Form X–15AJ–2.

The information required by Rule 15Aj–1 and Form X–15AJ–1 and X–15AJ–2 is intended to enable the Commission to carry out its statutorily mandated oversight functions and to assure that registered securities associations are in compliance with the Act. This information is also made available to members of the public. Without the requirements imposed by the Rule, the Commission would be unable to fulfill its regulatory responsibilities.

There is presently only one registered securities association, which registered in 1939, subject to the Rule. The burdens associated with Rule 15Aj–1 requirements have been borne by only one securities association since Rule 15Aj–1 was adopted. Furthermore, the burdens associated with Rule 15Aj–1 vary depending on whether amendments and current supplements are filed on Form X–15AJ–1 in addition to an annual consolidated supplement filed on Form X–15AJ–2. The Commission staff estimates the burden in hours necessary to comply with the Rule by filing an amendment or a current supplement on Form X–15AJ–1 to be approximately one-half hour, with a related cost of $11, per response. The Commission staff estimates the burden in hours necessary to comply with the Rule by filing an annual consolidated supplement on Form X–15AJ–2 to be approximately three hours, with a related cost of $90. Therefore, the Commission staff estimates that the total annual related reporting cost associated with the Rule to be upwards of $90, assuming a minimum filing of an annual consolidated statement on Form X–15AJ–2, with additional filings on Form X–15AJ–1 correspondingly increasing such reporting cost.

Compliance with Rule 15Aj–1 is mandatory. Information received in response to Rule 15Aj–1 shall not be kept confidential; the information collected is public information.

Rule 15c2–1 generally prohibits a broker-dealer from using its customers' securities as collateral to finance its own transactions. Subject to certain exceptions and exemptions, Rule 15c2–1 prohibits a broker-dealer from: (1) Commingling under the same lien customer securities with other customer securities, without the written consent of each customer; (2) commingling under the same lien customer securities with non-customer securities (including those of the broker-dealer) for a loan made to the broker-dealer, and (3) hypothecating customer securities for a loan amount which exceeds all customers' aggregate indebtedness relating to securities carried in their accounts. Under Rule 15c2–1, a broker-dealer must collect information necessary to prevent the rehypothecation of customer securities in contravention of the Rule, issue and retain copies of notices to the pledgee of hypothecation of customer securities in accordance with the Rule, and collect written consents from customers in accordance with the Rule. The collection of information required by Rule 15c2–1 is necessary to ensure compliance with the Rule, and to advice customers of the Rule's protections. In addition, the collection of information is necessary to execute the Commission's mandate under the Securities Exchange of 1934 (''Exchange Act'') to prevent fraudulent, manipulative, and deceptive acts and practices by broker-dealers.

There are approximately 177 respondents (i.e., broker-dealers that carry or clear customer accounts that also have bank loans) that must comply with the Rule. Each of these approximately 177 respondents make an estimated 45 annual responses, for an aggregate total of 7,965 responses per year. Each response takes approximately 0.5 hours to complete. Thus, the total compliance burden per year is 3,983 burden hours. The approximate cost per hour is $25 (based on an annual salary of $52,000 for clerical labor), resulting in a total compliance cost of $99,575 (3,983 hours @ $25 per hour).

Although Rule 15c2–1 does not specify a retention period or record keeping requirement under the Rule, nevertheless broker-dealers are required to preserve the records for a period no less then six years pursuant to Rule 17a–4(c). The information required under Rule 15c2–1 is necessary for broker-dealers to hypothecate customer securities in compliance with the Rule. Rule 15c2–1 does not assure confidentiality for the information retained under the rule.[2]

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (a) Desk Officer for the Securities and Exchange Commission, Office of Information and

[2] The records required by Rule 15c2–1 would be available only to the examination of the Commission staff, state securities authorities and the Self-Regulatory Organizations (SRO's). Subject to the provisions of the Freedom of Information Act, 5 U.S.C. § 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503; and (b) Michael E. Bartell, Associated Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to Office of Management and Budget within 30 days of this notice.

Dated: January 11, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1479 Filed 1–20–00; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request; Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549

Extension:

Form F–9, SEC File No. 270–333, OMB Control No. 3235–0377

Form F–10, SEC File No. 270–334, OMB Control No. 3235–0380

Form 10, SEC File No. 270–51, OMB Control No. 3235–0064

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for approval of extensions on the following:

Form F–9 is a Registration Statement under the Securities Act of 1933 (Securities Act) used by certain Canadian issuers to register certain investment grade debt or investment grade preferred securities that are offered for cash or in connection with an exchange offer and either non convertible or not convertible for a period of at least one year from the date of issuance and, except as noted in paragraph (e), are thereafter only convertible into security of another class of the issuer.

The information required by Form F–9 is useful for persons considering investment in securities issued by Canadian companies. Form F–9 takes approximately 25 hours to prepare and is filed by 12 respondents. It is estimated that 25% of the 300 hours (75 hours) would be prepared by the company.

Form F–10 is a Registration Statement used by Canadian ''substantial issuers,'' those issuers with at least thirty-six calendar months of reporting history with a securities commission in Canada and a market value of common stock of at least $360 million (Canadian) and an aggregate market value of common stock held by non-affiliates of at least $75 million (Canadian).

The information required under the cover of Form F–10 can be used by security holders and investors in evaluating securities and making investment decisions. Form F–10 takes approximately 25 hours to prepare and is filed by 45 respondents. It is estimated that 25% of the 1,125 hours (281) would be prepared by the company.

Form 10 is used by the Commission to register securities pursuant to Sections 12(b) or 12(g) of the Securities Exchange Act of 1934 (Exchange Act). Form 10 requires financial and other information about such matters as the registrant's business, properties, identity and remuneration of management, outstanding securities and securities to be registered and financial condition.

The information provided by Form 10 is intended to ensure the adequacy of information available to investors about the company. form 10 takes approximately 24 hours to prepare and is filed by 124 respondents. It is estimated that 25% of the 2,977 hours (744 hours) would be prepared by the company.

All information provided to the Commission is available to the public for review. Information provided by both Form F–9 and Form F–10 is mandatory. Information provided by Form 10 is voluntary.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of information Technology, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: January 10, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1480 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

Issuer Delisting; Notice of Application to Withdraw From Listing and Registration; (Enzo Biochem, Inc., Common Stock, Par Value $.01 per Share) File No. 1–9974

January 13, 2000.

Enzo Biochem, Inc. (''Company''), has filed an appliction with the Securities and Exchange Commission (''Commission''), pursuant to Section 12(d) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 12d2–2(d) thereunder,[2] to withdraw the security specified above (''Security'') from listing and registration on the American Stock Exchange LLC (''Amex'' or ''Exchange'').

The Security has been listed for trading on the Amex and, pursuant to a Registration Statement on Form 8–A filed with the Commission which became effective on December 8, 1999, on the New York Stock Exchange, Inc. (''NYSE''). Trading in the Security on the NYSE commenced at the opening of business on December 16, 1999.

The Company has complied with Amex Rule 18 by filing with the Exchange a certified copy of the preambles and resolutions adopted by the Company's Board of Directors authorizing the withdrawal of its Security from listing and registration on the Exchange and by setting forth in detail to the Exchange the reasons for such proposed withdrawal and the facts in support thereof. The Amex has in turn informed the Company that it does not object to the proposed withdrawal of the Company's Security from listing and registration on the Exchange.

In making the decision to withdraw the Security from listing on the Amex in conjunction with its new listing on the NYSE, the Company has cited its desire to avoid the direct and indirect costs, as well as the division of the market for its Security, which would arise from maintaining simultaneous listings on the Amex and the NYSE. The Company believes that the NYSE listing will provide better marketplace visibility for its Security than the Amex did and thereby enhance its value for shareholders.

[1] 15 U.S.C. 78l(d).

[2] 17 CFR 240.12d2–2(d).

The Company's application relates solely to the withdrawal of the Security from listing and registration on the Amex and shall have no effect upon the Security's continued listed and registration on the NYSE. By reason of Section 12(b) of the Act [3] and the rules and regulations of the Commission thereunder, the Company shall continue to be obligated to file reports with the Commission under Section 13 of the Act.[4]

Any interested person may, on or before February 4, 2000, submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–1474 Filed 1–20–00 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78l(b).

[4] 15 U.S.C. 78m.

[5] 17 CFR 200.30–3(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24253; 812–11750]

The Wachovia Funds and Wachovia Bank, N.A.; Notice of Application

January 14, 2000.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act, as well as from certain disclosure requirements.

SUMMARY OF THE APPLICATION: Applicants, The Wachovia Funds (the ''Trust'') and Wachovia Bank, N.A. (''Wachovia''), request an order to permit them to enter into and materially amend subadvisory agreements without shareholder approval and to grant relief from certain disclosure requirements.

FILING DATE: The application was filed on August 17, 1999. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on February 7, 2000, and should be accompanied by proof of service on applicants in the form of an affidavit or for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, c/o Courtney S. Thornton, Esq. Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, N.W., Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Sr., Senior Counsel, at (202) 942–0714, or George J. Zornada, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C. 20549–0102 (telephone (202) 942–8090).

Applicants' Representations

1. The Trust, a Massachusetts business trust, is registered under the Act as an open-end management investment company. The Trust currently is comprised of sixteen series (each a ''Fund''), including Wachovia Executive Equity Fund (''Equity Fund'') and Wachovia Executive Fixed Income Fund (''Fixed Income Fund'' and with the Equity Fund, the ''New Funds''). Each Fund has its own investment objectives, policies and restrictions. Wachovia is a wholly-owned subsidiary of Wachovia Corporation, a publicly-held bank holding company, and is exempt from registration under the Investment Advisers Act of 1940 (''Advisers Act''). Wachovia Asset Management (the ''Adviser''), a business unit of Wachovia, serves as the investment adviser to each of the Funds.[1]

2. The Trust, on behalf of each Fund, and the Adviser have entered into an investment management agreement (''Advisory Agreement'') that was approved by the board of trustees of the Trust (the ''Board''), including a majority of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), and the shareholder(s) of each Fund. Under the terms of the Advisory Agreement, the Adviser manages the investment of assets of each Fund and may, subject to oversight by the Board, hire one or more sub-advisers (''Sub-Advisers'') to provide portfolio management services to each of the Funds pursuant to separate investment advisory agreements (''Sub-Advisory Agreements'').[2] Each Sub-Adviser is, or will be, an investment adviser that is either registered or exempt from registration under the Advisers Act. Sub-Advisers are recommended to the Board by the Adviser and selected and approved by the Board, including a majority of the Independent Trustees. Each Sub-Advisers's fees are, or will be, paid by the Adviser out of the management fees received by the Adviser from the respective Fund.

3. The Adviser recommends Sub-Adviser based on its continuing quantitative and qualitative evaluation of their skills in managing assets pursuant to particular investment styles. The Adviser monitors the Funds and the Sub-Advisers and makes recommendations to the Board regarding allocation, and reallocation, of assets between Sub-Advisers and is responsible for recommending the hiring, termination and replacement of Sub-Advisers.

4. Applicants request relief to permit the Adviser, subject to the oversight of the Board, to enter into and materially amend Sub-Advisory Agreements without shareholder approval. The requested relief will not extend to a Sub-Adviser that is an affiliated person, as defined in section 2(a)(3) of the Act,

[1] Applicants also request relief with respect to future Funds, and any other registered open-end management investment companies or series thereof (a) that are advised by the Adviser or any entity controlling, controlled by, or under common control with the Adviser, and (b) which operate in substantially the same manner as the Funds (''Future Funds,'' and together with the Funds, the ''Funds''). Any Fund that relies on the requested order will do so only in accordance with the terms and conditions contained in the application. The Trust is the only existing investment company that currently intends to rely on the order.

[2] The New Funds use Sub-Advisers, with Equity Fund having four Sub-Advisers and Fixed Income Fund having two Sub-Advisers.

of the Trust or the Adviser, other than by reason of serving as a Sub-Adviser to one or more of the Funds (an ''Affiliated Sub-Adviser'').[3]

5. Applicants also request an exemption from the various disclosure provisions described below that may require the Funds to disclose the fees paid by the Adviser to the Sub-Advisers. The Trust will disclose for each Fund (both as a dollar amount and as a percentage of a Fund's net assets): (a) aggregate fees paid to the Adviser and Affiliated Sub-Advisers; and (b) aggregate fees paid to Sub-Advisers other than Affiliated Sub-Advisers (''Aggregate Fee Disclosure''). For any Fund that employs an Affiliated Sub-Adviser, the Fund will provide separate disclosure of any sub-advisory fees paid to the Affiliated Sub-Adviser.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of the company's outstanding voting securities. Rule 18f-2 under the Act provides that each series or class of stock in a series company affected by a matter must approve such matter if the Act requires shareholder approval.

2. Form N–1A is the registered statement used by open-end investment companies. Item 15(a)(3) of Form N–1A requires disclosure of the method and amount of the investment adviser's compensation.

3. Rule 20a–1 under the Act requires proxies solicited with respect to an investment company to comply with Schedule 14A under the Securities Exchange Act of 1934 (the ''Exchange act''). Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8), and 22(c)(9) of Schedule 14A, taken together, require a proxy statement for a shareholder meeting at which the advisory contract will be voted upon to include the ''rate of compensation of the investment adviser,'' the ''aggregate amount of the investment adviser's fees,'' a description of ''the terms of the contract to be acted upon,'' and, if a change in the advisory fee is proposed, the existing and proposed fees and the difference between the two fees.

4. Form N–SAR is the semi-annual report filed with the Commission by registered investment companies. Item 48 of Form N–SAR requires investment companies to disclose the rate schedule for fees paid to their investment advisers, including the Sub-Advisers.

5. Regulation S–X sets forth the requirements for financial statements required to be included as part of investment company registration statements and shareholder reports filed with the Commission. Sections 6–07(2)(a), (b), and (c) of Regulation S–X require that investment companies include in their financial statements information about investment advisory fees.

6. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any classes of persons, securities, or transactions from any provision of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants believe that the requested relief meets this standard for the reasons discussed below.

7. Applicants assert that the investors are relying on the Adviser's experience to select one or more Sub-Advisers best suited to achieve a Fund's desired investment objectives. Applicants assert that, from the perspective of the investor, the role of the Sub-Advisers is comparable to that of individual portfolio managers employed by other investment advisory firms. Applicants contend that requiring shareholder approval of Sub-Advisory Agreements may impose unnecessary costs and delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreement will remain subject to section 15(a) of the Act and rule 18f–2 under the Act.

8. Applicants assert that some Sub-Advisers use a ''posted'' rate schedule to set their fees. Applicants state that the Adviser may not be able to negotiate below ''posted'' fee rates with Sub-Advisers if each Sub-Adviser's fees are required to be disclosed. Applicants submit that the nondisclosure of the individual Sub-Adviser's fees is in the best interest of the Funds and their shareholders, where the disclosure of such fees would increase costs to shareholders without an offsetting benefit to the Funds and their shareholders.

Applicants' Conditions

Applidcants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the order, the operation of the Fund in the manner described in the application will be approved by a majority of the outstanding voting securities of the Fund, as defined in the Act, or in the case of a Fund whose public shareholders purchased shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the sole initial shareholder before offering shares of such Fund to the public.

2. The Trust will disclose in its prospectus(es) the existence, substance and effect of any order granted pursuant to the application. In addition, each Fund relying on the requested order will hold itself out to the public as employing the management structure described in the application. The prospectus will prominently disclose that the Adviser has the ultimate responsibility (subject to oversight by the Board) to oversee the Sub-advisers and recommend their hiring, termination, and replacement.

3. At all times, a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be at the discretion of the then-existing Independent Trustees.

4. The Adviser will not enter into a Sub-Advisory Agreement with any Affiliated Sub-Adviser without that agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. When a change in Sub-Adviser is proposed for a Fund with an Affiliated Sub-Adviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Fund's Board minutes, that the change is in the best interests of the Fund and its shareholders and does not involve a conflict of interest from which the Adviser or the Affiliated Sub-Adviser derives an inappropriate advantage.

6. Within 90 days of the hiring of any new Sub-Adviser, shareholders will be furnished all information about a new Sub-Adviser that would be contained in a proxy statement, except as modified to permit Aggregate Fee Disclosure. This information will include Aggregate Fee Disclosure and any change in such disclosure caused by the addition of a new Sub-Adviser. The Adviser will meet this condition by providing shareholders, within 90 days of the

[3] The Trust employs officers and employees of the Trust's administrator, Federated Services Company (''Federated''), and affiliated persons of Federated, to serve as officers of the Trust. For purposes of the requested order, the term Affiliated Sub-Adviser includes Federated Investment Management Company, an affiliated person of Federated and a Sub-Adviser to Equity Fund, and any other affiliated person of Federated that serves as a Sub-Adviser to a Fund.

hiring of a Sub-Adviser, an information statement meeting the requirements of Regulation 14C, Schedule 14C, and Item 22 of Schedule 14A under the Exchange Act, except as modified by the order to permit Aggregate Fee Disclosure.

7. The Adviser will provide management services to each Fund relying on the requested order, including overall supervisory responsibility for the general management and investment of the Fund's assets, and, subject to review and approval by the Board; will: (a) set the Fund's overall investment strategies; (b) evaluate, select and recommend Sub-Advisers to manage all or a part of the Fund's assets; (c) when appropriate, allocate and reallocate the Fund's assets among multiple Sub-Advisers; (d) monitor and evaluate the investment performance of Sub-Advisers; and (e) ensure that the Sub-Advisers comply with the Fund's investment objectives, policies, and restrictions by, among other things, implementing procedures reasonably designed to ensure compliance.

8. No Trustee or officer of the Trust, or director of officer of Wachovia who participates directly in Wachovia's investment advisory activities (including the management or administration of the Trust) or otherwise is able to influence the selection of Sub-Advisers, will own directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person) any interest in a Sub-Adviser except for (a) ownership of interests in (i) Wachovia or an entity that controls, is controlled by, or is under common control with Wachovia or (ii) Federated or an entity that controls, is controlled by, or is under common control with Federated; or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of a publicly-traded company that is either a Sub-Adviser or an entity that controls, is controlled by, or is under common control with a Sub-Adviser.

9. The Trust will disclose in its registration statement the Aggregate Fee Disclosure.

10. Independent counsel knowledgeable about the Act and the duties of Independent Trustees will be engaged to represent the Independent Trustees. The selection of such counsel will be within the discretion of the Independent Trustees.

11. With respect to the Funds relying on the relief requested, the Adviser will provide the Board, no less frequently than quarterly, with information about the Adviser's profitability on a per Fund basis. This information will reflect the impact on the profitability of the hiring or termination of any Sub-Adviser during the applicable quarter.

12. Whenever a Sub-Adviser is hired or terminated, the Adviser will provide the Board with information showing the expected impact on the Adviser's profitability.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1472 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24252; 812–11844]

CityFed Financial Corp. Notice of Application

DATE: January 13, 2000.

AGENCY: Securities and Exchange Commission (''SEC'').

ACTION: Notice of application for an order under sections 6(c) and 6(e) of the Investment Company Act of 1940 ('Act'') for exemption from all provisions of the Act, except sections 9, 17(a) (modified as discussed in the application), 17(d) (modified as discussed in the application), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act and the rules thereunder.

SUMMARY OF APPLICATION: The requested order would exempt the applicant, CityFed Financial Corp. (''CityFed''), from certain provisions of the Act until the earlier of one year from the date the requested order is issued or such time as CityFed would no longer be required to register as an investment company under the Act. The order would extend an exemption granted will February 12, 2000.[1]

Filing Date: The application was filed on November 5, 1999.

Hearing or Notification of Hearing: An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on February 8, 2000, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer' interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. CityFed, 35 Old South Road, P.O. Box 3126, Nantucket, MA 02584.

FOR FURTHER INFORMATION CONTACT: Bruce R. MacNeil, Staff Attorney, at (202) 942–0634, or Mary Kay Frech, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the SEC's Public Reference Branch, 450 Fifth Street, N.W., Washington, D.C., 20549–0102 (tel. no. 202–942–8090).

Applicant's Representations

1. CityFed was a savings and loan holding company that conducted its savings and loan operations through its wholly-owned subsidiary, City Federal Savings Bank (''City Federal''). During the five year period ending December 31, 1988, City Federal was the source of substantially all of CityFed's revenues and income. As a result of substantial losses in its mortgage banking and real estate operations, City Federal was unable to meet its regulatory capital requirements. Accordingly, on December 7, 1989, the Office of Thrift Supervision (''OTS'') placed City Federal into receivership and appointed the Resolution Trust Corporation (''RTC'') as City Federal's receiver. City Federal's deposits and substantially all of its assets and liabilities were acquired by a newly created federal mutual savings bank, City Savings Bank, F.S.B. (''City Savings''). The OTS appointed the RTC as receiver of City Savings.

2. Once City Federal was placed into receivership, CityFed no longer conducted savings and loan operations through any subsidiary and substantially all of its assets consisted of cash that has been invested in money market instruments with a maturity of one year or less and money market mutual funds. As of September 30, 1999, CityFed held cash and securities of approximately $9.5 million.

3. While CityFed's board of directors (''Board'') has considered from time to time whether to engage in an operating business, the Board has determined not to engage in an operating business at the present time because of the claims filed

[1] *CityFed Financial Corp.*, Investment Company Act Release Nos. 23659 (Jan. 20, 1999) (notice) and 23692 (Feb. 12, 1999) (order).

against CityFed, whose liability thereunder cannot be reasonably estimated any may exceed its assets.

4. On June 2, 1994, the OTS issued a Notice of Charges and Hearing for Cease and Desist Order to Direct Restitution and Other Appropriate Relief and Notice of Assessment of Civil Money Penalties (''Notice of Charges'') against CityFed and certain current or former directors and, in some cases, officers of CityFed and City Federal. The Notice of Charges requests that an order be entered by the Director of the OTS requiring CityFed to make restitution, reimburse, indemnify or guarantee the OTS against loss in an amount not less than $118.4 million, which the OTS alleges represents the regulatory capital deficiency (''Net Worth Maintenance Claim'') reported by City Federal in the fall of 1989. On November 30, 1995, the OTS issued an Amended Notice of Charges and Hearing for Cease and Desist Order to Direct Restitution and Other Appropriate Relief and Notice of Assessment of Civil Money Penalties (''Amended Notice of Charges'') that is identical to the Notice of Charges, except that the Amended Notice of Charges includes a reference to a federal statutory provision not referred to in the Notice of Charges that the OTS asserts provides an additional basis for the issuance of a Cease and Desist Order against CityFed and certain current or former directors and, in some cases, officers of CityFed and of City Federal (''Respondents''). On February 1, 1996, an administrative law judge (''ALJ'') issued a prehearing order (''Prehearing Order'') granting the OTS's motion for partial summary disposition with respect to CityFed and denying both CityFed's motion for partial summary disposition of the OTS's assessment of civil money penalties and its cross-motion for summary adjudication. On June 12, 1996, CityFed moved for interlocutory review by the acting director of the OTS of the conclusions in the Prehearing Order and, if necessary, will seek appellate review of any adverse decision. On August 20, 1997, the OTS Director issued a decision and order granting CityFed's motion for interlocutory review. The Director concluded that the ALJ had erred in recommending summary disposition on the OTS Net Worth Maintenance Claim against CityFed and held that there were disputed issues of fact on that claim that precluded summary judgment, and he remanded the case to the ALJ for further proceedings consistent with his decision. The ALJ has lifted the stay of the proceedings, and CityFed and the OTS have begun to engage in discovery on the Net Worth Maintenance Claim.

5. Also on June 2, 1994, the OTS issued a Temporary Order to Cease and Desist (''Temporary Order'') against CityFed. The Temporary Order required CityFed to post $9.0 million as security for the payment of the amount sought by the OTS in its Notice of Charges. CityFed unsuccessfully petitioned the district court for an injunction against the Temporary Order. CityFed and the Respondents filed notices of appeal from the D.C. Court's Order to the United States Court of Appeals for the District of Columbia Circuit (''D.C. Circuit''), and the Respondents filed a motion in the D.C. Circuit for an expedited appeal and an order enjoining the enforcement of the Temporary Order during the pendency of the appeal. The D.C. Circuit denied the Respondents' motion for injunction on October 21, 1994. On July 11, 1995, the D.C. Circuit affirmed the denial by the D.C. Court of the motions by CityFed and the Respondents for a temporary restraining order and an injunction against the Temporary Order. On October 26, 1994, CityFed and the OTS entered into an Escrow Agreement (''Escrow Agreement'') with CoreStates Bank, N.A. (''CoreStates'') pursuant to which CityFed transferred substantially all of its assets to CoreStates for deposit into an escrow account to be maintained by CoreStates. CityFed's assets in the escrow account continue to be invested in money market instruments with a maturity of one year or less and money market mutual funds. Withdrawals or disbursements from the escrow account are not permitted without the written authorization of the OTS, other than for (a) monthly transfers to CityFed in the amount of $15,000 for operating expenses, (b) the disbursement of funds on account of purchases of securities by CityFed, and (c) the payment of the escrow fee and expenses to CoreStates. The Escrow Agreement also provides that CoreStates will restrict the escrow account in such a manner as to implement the terms of the Escrow Agreement and to prevent a change in status or function of the escrow account unless authorized by CityFed and the OTS in writing.

6. On December 7, 1992, the RTC filed suit against CityFed and two former officers of City Federal seeking damages of $12 million dollars for failure to maintain the net worth of City Federal (''First RTC Action''). In light of the filing by the OTS of the Notice of Charges on June 2, 1994, the RTC and CityFed agreed to dismiss without prejudice the RTC's claim against CityFed in the First RTC Action.

7. In addition, the RTC filed suit against several former directors and officers of City Federal alleging gross negligence and breach of fiduciary duty with respect to certain loans (''Second RTC Action''). The RTC seeks in excess of $200 million in damages. under its bylaws, CityFed may be obligated to indemnify these former officers and directors and advice their legal expenses. On the advice of counsel to a special committee of CityFed's Board, comprised of directors who have not been named in the First or Second RTC Action, CityFed advanced reasonable defense costs to such former directors and officers in such Actions. CityFed is unable to determine with any accuracy the extent of its liability with respect to these indemnification claims, although the amount may be material.

8. On August 7, 1995, CityFed, acting in its own right and as shareholder of City Federal, filed a civil action in the United States Court of Federal Claims (''Claims Court'') seeking damages for loss of ''supervisory goodwill.'' CityFed's goodwill suit is presently pending in that court. The Claims Court has established a procedure for deciding supervisory goodwill claims and its decision on this issue may affect CityFed's right to assert a claim for the loss of supervisory goodwill on the books of City Federal.

9. Currently, CityFed's stock is traded sporadically in the over-the-counter market. CityFed has one employee who is president, chief executive officer, and treasurer. CityFed's secretary does not receive any compensation for her service.

Applicant's Legal Analysis

1. Section 3(a)(1)(A) defines an investment company as any issuer who ''is or holds itself out as being engaged primarily * * * in the business of investing, reinvesting or trading in securities.'' Section 3(a)(1)(C) further defines an investment company as an issuer who is engaged in the business of investing in securities that have a value in excess of 40% of the issuer's total assets (excluding government securities and cash).

2. Section 6(c) of the Act provides that the SEC may exempt any person from any provision of the Act ''if and to the extent that such exemption is necessary or appropriate in the public interest.'' Section 6(e) provides that in connection with any SEC order exempting an investment company from any provision of section 7, certain specified provisions of the Act shall be applicable to such company, and to other persons in their transactions and relations with such company, as though such company were

registered under the Act, if the SEC deems it necessary or appropriate in the public interest or for the protection of investors.

3. CityFed acknowledges that it may be deemed to fall within one of the Act's definitions of an investment company. Accordingly, CityFed requests an exemption under sections 6(c) and 6(e) from all provisions of the Act, subject to certain exceptions described below. CityFed requests an exemption until the earlier of one year from the date of the requested order or such time as it would no longer be required to register as an investment company under the Act.

4. In determining whether to grant an exemption for a transient investment company, the SEC considers such factors as whether the failure of the company to become primarily engaged in a non-investment business or excepted business or liquidate within one year was due to factors beyond its control; whether the company's officers and employees during that period tried, in good faith, to effect the company's investment of its assets in a non-investment business or excepted business or to cause the liquidation of the company; and whether the company invested in securities solely to preserve the value of its assets. CityFed believes that it meets these criteria.

5. CityFed believes that its failure to become primarily engaged in a non-investment business by February 12, 2000, is due to factors beyond its control. CityFed asserts that the amount required to resolve its currently outstanding claims cannot be reasonably estimated and could exceed its assets. If CityFed is unable to resolve these claims successfully, it states that it may seek protection from the bankruptcy courts or liquidate. CityFed also asserts that it probably will not be in a position to determine what course of action to pursue until most, if not all, of its contingent liabilities are resolved. Additionally, CityFed states that its circumstances are unlikely to change over the requested one year period in light of the number of claims currently pending against it and because of the existence of the Escrow Agreement. Since the filing of its initial application for exemptive relief under sections 6(c) and 6(e) on October 19, 1990, CityFed has invested in money market instruments and money market mutual funds solely to preserve the value of its assets.

6. During the term of the proposed exemption, CityFed states that it will comply with sections 9, 17(a) and (d) (subject to the exception below and the modifications described in condition 3, below), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act and the rules thereunder. With respect to section 17(d), CityFed represents that it established a stock option plan when it was an operating company. Although the plan has been terminated, certain former employees of City Federal have existing rights under the plan. CityFed believes that the plan may be deemed a joint enterprise or other joint arrangement or profit-sharing plan within the meaning of section 17(d) and rule 17d–1 thereunder. Because the plan was adopted when CityFed was an operating company and to the extent there are existing rights under the plan, CityFed seeks an exemption to the extent necessary from section 17(d).

Applicant's Conditions

CityFed agrees that the requested exemption will be subject to the following conditions:

1. CityFed will not purchase or otherwise acquire any additional securities other than securities that are rated investment grade or higher by a nationally recognized statistical rating organization or, if unrated, deemed to be of comparable quality under guidelines approved by CityFed's Board, subject to two exceptions:

a. CityFed may make an equity investment in issuers that are not investment companies as defined in section 3(a) of the Act (including issuers that are not investment companies because they are covered by a specific exclusion from the definition of investment company under section 3(c) of the Act other than sections 3(c)(1) and 3(c)(7)) in connection with the possible acquisition of an operating business as evidenced by a resolution approved by CityFed's Board; and

b. CityFed may invest in one or more money market mutual funds that limit their investments to ''Eligible Securities'' within the meaning of rule 2a–7(a)(10) promulgated under the Act.

2. CityFed's Form 10–KSB, Form 10–QSB and annual reports to shareholders will state that an exemptive order has been granted pursuant to sections 6(c) and 6(e) of the Act and that CityFed and other persons, in their transactions and relations with CityFed, are subject to sections 9, 17(a), 17(d), 17(e), 17(f), 36 through 45, and 47 through 51 of the Act, and the rules thereunder, as if CityFed were a registered investment company, except as permitted by the order requested hereby.

3. Notwithstanding sections 17(a) and 17(d) of the Act, an affiliated person (as defined in section 2(a)(3) of the Act) of CityFed may engage in a transaction that otherwise would be prohibited by these sections with CityFed:

a. If such proposed transaction is first approved by a bankruptcy court on the basis that (i) the terms thereof, including the consideration to be paid or received, are reasonable and fair to CityFed, and (ii) the participation of CityFed in the proposed transaction will not be on a basis less advantageous to CityFed than that of other participants; and

b. In connection with each such transaction, CityFed shall inform the bankruptcy court of (i) the identity of all of its affiliated persons who are parties to, or have a direct or indirect financial interest in, the transaction; (ii) the nature of the affiliation; and (iii) the financial interests of such persons in the transaction.

For the SEC, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1473 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release 34–42335; File No. 600–23]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing and Order Extending Temporary Registration as a Clearing Agency

January 12, 2000.

Notice is hereby given that on December 30, 1999, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') an application pursuant to Section 19(a) of the Securities Exchange Act of 1934 (''Act'') [1] requesting that the Commission grant GSCC full registration as a clearing agency or in the alternative extend GSCC temporary registration as a clearing agency until such time as the Commission is able to grant GSCC permanent registration.[2] The Commission is publishing this notice and order to solicit comments from interested persons and to extend GSCC's temporary registration as a clearing agency through July 31, 2000.

On May 24, 1988, pursuant to Sections 17A(b) and 19(a) of the Act [3] and Rule 17Ab2–1 promulgated thereunder,[4] the Commission granted GSCC registration as a clearing agency on a temporary basis for a period of

[1] 15 U.S.C. 78s(a).

[2] Letter from Sal Ricca, President and Chief Operating Officer, GSCC (December 30, 1999).

[3] 15 U.S.C. 78q–1(b) and 78s(a).

[4] 17 CFR 240.17Ab2–1.

three years.[5] The Commission subsequently has extended GSCC's registration through January 14, 2000.[6]

In the most recent extension of GSCC's temporary registration, the Commission stated that it planned in the near future to seek comment on granting GSCC permanent registration as a clearing agency. This extension of GSCC's temporary registration will enable the Commission to do so within the next few months.

Interested persons are invited to submit written data, views, and arguments with respect to whether the Commission should grant GSCC permanent registration as a clearing agency. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the amended application for registration and all written comments will be available for inspection at the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. All submissions should refer to File No. 600–23 and should be submitted by February 11, 2000.

IT IS THEREFORE ORDERED pursuant to Sections 17A(b) and 19(a) of the Act that GSCC's temporary registration as a clearing agency (File No. 600–23) be and hereby is extended through July 31, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1478 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

[5] Securities Exchange Act Release No. 25740 (May 24, 1988), 53 FR 19639.

[6] Securities Exchange Act Release Nos. 29067 (April 11, 1991), 56 FR 15652; 32385 (June 3, 1993), 58 FR 32405; 35787 (May 31, 1995), 60 FR 30324; 36508 (November 27, 1995), 60 FR 61719; 37983 (November 25, 1996), 61 FR 64183; 38698 (May 30, 1997), 62 FR 30911; 39696 (February 24, 1998), 63 FR 10253; 41104 (February 24, 1999), 64 FR 10510; and 41805 (August 27, 1999), 64 FR 48682.

[7] 17 CFR 200.30–3(a)(16).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42340; File No. SR–NASD–98–32]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment Nos. 2 and 3 Thereto Relating to Filing Requirements for Independently Prepared Research Reports

January 13, 2000.

1. Introduction

On April 9, 1998, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Regulation, Inc. (''NASD Regulation''), submitted to the Securities and Exchange Commission (''SEC'' or ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'' or ''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the Conduct Rules of the NASD to exclude independently prepared research reports from the filing requirements of NASD Rule 2210. NASD Regulation filed an amendment to the proposed rule change on May 14, 1998, which was published in the original notice in the **Federal Register**.[3]

The proposed rule change was published for comment in the **Federal Register** on June 15, 1998.[4] The Commission received four comments on the proposal.[5] NASD Regulation filed amendments to the proposed rule change on April 19, 1999,[6] and November 10, 1999.[7] This order approves the proposed rule change, as amended.

II. Description

NASD Conduct Rule 2210 currently requires that any ''advertisement'' or ''sales literature'' concerning a registered investment company be filed with NASD Regulation's Advertising/Investment Companies Regulation Department (''Department'') and meet the content standards of that rule, as well as all applicable Commission rules. The rule defines ''sales literature'' to include a research report. Consequently, Rule 2210 requires that NASD member file all investment company research reports, even when the report is prepared by ''independent research firms'' (*i.e.,* those firms that are independent of the investment company, its affiliates, or any NASD member, and whose services are not procured by the investment company, any of its affiliates, or any NASD member).

NASD Regulation notes that as the investment company industry has grown in recent years so too has the coverage of this industry by independent research firms. Many of these firms publish reports that analyze a wide variety of investment companies and provide information about the investment companies, including each investment company's historical performance, the investment company's fees and expenses, and a description and narrative analysis of the investment company's investment strategies and portfolio management style.

NASD states that members use these independently prepared research reports in a number of ways. Some members may make the entire research service available to customers at a branch office. Members may also distribute an independently prepared research report concerning a particular investment company as part of the selling process.

NASD Regulation proposed the rule change to clarify the meaning, administration and enforcement of rule 2210 insofar as it applies to certain types of independently prepared research reports. The proposed rule change would clarify that certain types of independently prepared research reports would not have to be filed with the Department. The Department intends to interpret the term ''independent'' in (G)(i) of the proposed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Letter from John Ramsay, Vice President, Deputy General Counsel, NASD Regulation, to Katherine A. England, Assistant Director, Division of Market Regulation (''Division''), Commission, dated May 13, 1998 (''Amendment No. 1'').

[4] *See* Exchange Act Release No. 40074 (June 4, 1998), 63 FR 32690 (June 15, 1998).

[5] *See* Letter from Donald Phillips, President, Morningstar, Inc., to Jonathan G. Katz, Secretary, Commission, dated July 6, 1998 (''Morningstar Letter''); Letter from Lawrence H. Kaplan, Chairman, Investment Company Committee, Securities Industry Association, to Margaret H. McFarland, Deputy Secretary, Commission, dated July 1, 1998 (''SIA Letter''); Letter from Henry H. Hopkins, Managing Director and Chief Legal Counsel, T. Rowe Price Associates, Inc., to Jonathan G. Katz, Secretary, Commission, dated July 6, 1998 (''T. Rowe Price Letter''); Letter from Joseph P. Savage, Assistant Counsel, Investment Company Institute, to Jonathan G. Katz, Secretary, Commission, dated July 6, 1998 (''ICI Letter'').

[6] *See* Letter to Katherine A. England, Assistant Director, Division, Commission, from Thomas M. Selman, Vice President, Investment Companies/Corporate Financing, NASD Regulation, dated April 19, 1999 (''Amendment No. 2'').

[7] *See* Letter to Katherine A. England, Assistant Director, Division, Commission, from Thomas M. Selman, Vice President, Investment Companies/Corporate Financing, NASD Regulation, dated November 9, 1999 (''Amendment No. 3'').

rule change in a manner similar to the use of that term in NASD Rule IM–2210–3, regarding rankings.

Under the proposed rule change, these research reports would continue to be subject to the Department's spot check procedures. Moreover, the proposed rule change would impose certain conditions designed to ensure that the opinions in the research reports are objective, that the presentation is balanced, and that investors have access to regular updates of the reports. In particular, the proposed rule change would impose several requirements derived from an analogous SEC Rule—Rule 139—which provides a safe harbor from the definition of ''offer for sale'' and ''offer to sell'' in the Securities Act of 1933 (''Securities Act'').

Thus, under the proposed rule change, a published article that analyzes only a few funds or that is not regularly updated in the normal course of business would have to be filed with the Department if it is to be distributed or made generally available to customers or the public. Moreover, while a member could distribute an independently prepared research report concerning a particular fund without filing the report with the Department, if the member alters the report in any material way, then the member would have to file it with the Department if it is to be distributed or made generally available to customers or the public.

NASD Regulation believes that the proposed rule change does not raise significant investor protection concerns. In its filing and review program, NASD Regulation represents that the Department rarely has found significant issues with the types of research reports that would be excepted by the proposed rule change. Furthermore, the exception in the proposed rule change only exempts these types of research reports from the filing requirements; the research reports must still comply with applicable NASD rules. In particular, under the proposed rule change, these research reports would continue to be subject to the content requirements of Rule 2210 as well as Conduct Rule 2110 (requiring that a member ''observe high standards of commercial honor and just and equitable principles of trade''), and Rule 2120 (prohibiting use of manipulative, deceptive or other fraudulent devices). In addition, Conduct Rule 2210 requires that the research reports be approved prior to use by a registered principal of the member.

The proposed rule change would apply to independently prepared research reports that are contained in software or that are electronically communicated, as well as those on paper.

III. Summary of Comments

The Commission received four comment letters on the proposed rule change, all of which were generally supportive, but requested clarification.[8]

Morningstar and the ICI requested clarification of a provision in the rule that would prohibit an investment company, its affiliated and any NASD member that would reply on the filing exemption from procuring the services of a research firm. Specifically, they sought clarification that the rule would not be interpreted to prohibit members relying on the filing exemption from: (i) Using research firms that charge funds or members subscription fees or fees for producing, distributing and redistributing their reports; or (ii) paying fees to research firms that are retained on a ''by request'' basis to create customized reports or perform other separate research services based on a repackaging of information already published by the research firm.[9]

NASD Regulation responded by amending the rule proposal to clarify that the exemption is not available with respect to the commissioning of research. Rather, the exemption will be available with respect to the procurement of a research firm's services. Furthermore, NASD Regulation will now permit research firms and members to develop customized reports, provided that the reports include only information that the research firm already has compiled and published in another non-customized report and the reports do not omit information necessary to make them fair and balanced.[10]

Morningstar also requested clarification that the requirement in the exemption that a research firm prepare and distribute similar types of reports with respect to a substantial number of investment companies would not be interpreted to require that each report be in an identical format or contain identical information. In response, NASD Regulation amended the filing to provide that, in order to qualify for the filing exemption, the research firm must prepare and distribute reports ''based on similar research.'' The provision requiring that the research firm prepare and distribute ''similar types of reports'' is being eliminated.

Morningstar sought clarification that the exemption requirement that research reports be distributed and updated with reasonable regularity in the normal course of the research firm's business would not prohibit the distribution of customized reports prepared upon request. It noted that such reports are entirely comprised of information that is otherwise issued under a distribution cycle and, when aggregated with reports issued under a distribution cycle, should be considered to have been distributed with reasonable regularity in the ordinary course of the firm's research business.[11]

NASD Regulation responded that the proposed rule change would still exempt from the filing requirements customized reports prepared on request that are entirely comprised of information completed and published in another report, provided that the customized report does not omit information necessary to make it fair and balanced.

Morningstar and the ICI also requested clarification that the filing exemption would be available with respect to research reports containing performance information that does not meet the currentness standards of Rule 482 under the Securities Act, as long as the reports are accompanied by information that complies with those currentness standards.[12]

NASD Regulation noted that its Department has a long-standing informal interpretation that members may distribute a research report that does not meet the currentness standards of Securities Act Rule 482, as long as the research report represents the most recent version issued by the research firm and is accompanied by information that meets those standards. NASD Regulation further noted that the proposed rule change would not affect this interpretation.

T. Rowe Price, the SIA and the ICI sought clarification that the proposed rule change would not be interpreted to prohibit a member from supplementing an independent research report with additional information, such as a clarification of terms and/or ranking systems, or additional disclosure required by NASD or Commission rules. Morningstar also requested clarification that a research report that did not meet the NASD and Commission content requirements, but was accompanied by additional information necessary for the report to meet the applicable content requirements, would still be eligible for the exemption.

NASD Regulation confirmed that the exemption would explicitly permit material alterations necessary to make

[8] *See supra* note 5.

[9] *See* Morningstar Letter; and ICI Letter.

[10] *See* Amendment No. 2.

[11] *See* Morningstar Letter.

[12] *See* Morningstar Letter; and ICI Letter.

the report consistent with NASD, Commission or other applicable standards. Furthermore, the proposal would not require the filing of material that would accompany the report and that would merely clarify terms or other information in the report itself.

Morningstar and the SIA noted that, although the proposed rule change would eliminate the requirement to file certain research reports with NASD Regulation, Section 24(b) of the Investment Company Act of 1940 Act (''1940 Act'') and Rule 24b–3 under that Act would still require that the reports be filed with the Commission if they are not filed with NASD Regulation.[13]Commenters added that such a result would be inconsistent with the purpose of the proposed rule change, especially if funds and fund underwriters choose to file with NASD Regulation to satisfy the requirements of Section 24(b). NASD Regulation has amended the proposed rule change to clarify that although the qualifying research reports are exempted from the filing requirement, they will be deemed filed with NASD Regulation in order to satisfy Section 24(b) of the 1940 Act and Rule 24b–3 thereunder.[14]

The ICI proposed that NASD Regulation include a definition of ''research report'' to clarify that it is a report that provides an in-depth analysis of a particular fund, but is not intended to cover reprints of articles that appear in widely circulated financial magazines.[15]T. Rowe Price supported the ICI's proposed definition but suggested that it also include article reprints sent to institutional customers in order to exclude such reprints from the filing requirements. T. Rowe Price also suggested including a definition of ''institutional customer'' in the proposed rule change.[16]

NASD Regulation responded by noting that the proposed rule change would not apply to article reprints, which NASD Rule 2210 includes in the definition of ''sales literature.'' NASD Regulation believed that the proposed rule change provided sufficient guidance to members concerning the meaning of ''research report.'' NASD Regulation added that it also reviewing the treatment of institutional sales material, but did not modify the proposal as a result of the comments.

The ICI requested confirmation that the proposal would exempt independent research reports that included performance ranking information, provided that the reports meet the proposed exemption criteria.[17] NASD Regulation confirmed that the proposal would exempt such reports, provided that they meet the exemption criteria. NASD Regulation also noted that such reports would be required to comply with the content requirements of IM–2210–3, regarding rankings, as well as any other applicable Commission and NASD requirements.

Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the Association and, in particular, with the requirements of Section 15A(b) of the Act.[18] Specifically, the Commission finds that the proposed rule change is consistent with Section 15A(b)(6) of the Act in that it promotes just and equitable principles of trade, and generally provides for the protection of investors and the public interest.[19]

The Commission believes that the proposed rule change should reduce regulatory burdens for NASD members while maintaining investor protection safeguards regarding the dissemination of useful fund information. Specifically, although the proposed rule reduces the filing obligations for qualifying independent research reports, investor protection objectives should be served because the exempted independent research reports must still comply with the content requirements of NASD Conduct Rules 2210, 2110, 2120, and IM–2310–2.[20] In addition, Conduct Rule 2210 would continue to require that these research reports be approved by a registered principal of the member prior to use. The exempted independent research reports would also remain subject to NASD Regulation's spot-check procedures.

The Commission notes that two of the commenters asserted that, although the proposed rule change would eliminate the NASD filing requirement for qualifying independent research reports, Section 24(b) of the 1940 Act and Rule 24b–3 thereunder would still require that such reports be filed with the Commission. In response, NASD Regulation amended the proposed rule change to clarify that research reports satisfying the filing exemption will be deemed filed with the NASD for the purposes of Section 24(b) of the 1940 Act and Rule 24b–3 thereunder.

The Commission finds good cause to approve Amendment No. 2 to the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 2 addresses several issues. First, it clarifies that the exemption is not available with respect to the commissioning of research, but is available with respect to the procurement of an independent research firm's services. Second, Amendment No. 2 confirms that a customized report prepared on request would still be exempted from the filing requirements if it is entirely comprised of information published in another report, and provided that the customized report does not omit information necessary to make it fair and balanced.[21] Third, Amendment No. 2 clarifies that, to qualify for the filing exemption, an independent research firm must prepare and distribute reports based on similar research. This affirms that the reports do not have to be identical in format or contain identical information to qualify for the exemption. Fourth, Amendment No. 2 clarifies that material changes to exempted independent research reports will be permitted when the changes are necessary to make them consistent with NASD, Commission or other applicable standards. Finally, Amendment No. 2 does not raise any new or novel regulatory issues. Accordingly, the Commission believes that it is consistent with Section 15A(b)(6) and 19(b)(2) of the Act to approve Amendment No. 2 to the proposed rule change on an accelerated basis.

The Commission finds good cause to approve Amendment No. 3 to the proposed rule change prior to the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. Amendment No. 3 clarifies

[13] *See* Morningstar Letter; and SIA Letter.

[14] *See* Amendment No. 3.

[15] *See* ICI Letter.

[16] *See* T. Rowe Price Letter.

[17] *See* ICI Letter.

[18] 15 U.S.C. 78o–3(b).

[19] *See* 15 U.S.C. 78o–3(b)(6). In approving this rule change, the Commission has considered the proposal's impact on efficiency, competition, and capital formation, consistent with Section 3 of the Act. *Id.* at 78c(f).

[20] NASD Conduct Rule 2110 requires that a member ''observe high standards of commercial honor and just and equitable principles of trade.'' Rule 2120 prohibits the use of manipulative, deceptive or other fraudulent violations. IM–2310–2 requires fair dealing with customers, including avoiding fraud violation.

[21] NASD Regulation also asserts that the rule change will not have any effect on its longstanding informal interpretation that allows members to distribute a research report that does not meet the currentness standards of Commission Rule 482, as long as the report represents the most recent version issued and is accompanied by information that satisfies the currentness standards. *See* Amendment No. 2. Although this ''informal interpretation'' is not part of the proposed rule change and, as such, is not being formally approved by this order, the Commission's Division of Investment Management indicates that the informal interpretation conforms with the intent of Rule 482, provided that the information is not presented in a materially misleading manner.

that independent research reports that are eligible for the filing exemption will be deemed to be filed with the NASD for the purposes of Section 24(b) of the 1940 Act and Rule 24b–3 thereunder. The staff of the Commission's Division of Investment Management supports this aspect of the proposal. Amendment No. 3 also amends paragraph (G)(ii) in the proposed rule change to clarify that a member may not alter an exempted research report except as necessary to make the report consistent with applicable *regulatory* standards. The Commission believes that this clarification should help members to understand that the exemption relates solely to legal and regulatory standards, and not industry or other standards. Accordingly, the Commission believes that it is consistent with Sections 15A(b)(6) and 19(b)(2) of the Act to approve Amendment No. 3 to the proposed rule change on an accelerated basis.

V. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning Amendment Nos. 2 and 3, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to File No. SR–NASD–98–32 and should be submitted by February 11, 2000.

VI. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[22] that the proposed rule change (SR–NASD–98–32) is approved, as amended.

[22] 15 U.S.C. 78s(b)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[23]

Jonathan G. Katz,

Secretary.

[FR Doc. 00–1459 Filed 1–20–00; 8:45 am]

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[23] 17 U.S.C. 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

(Release No. 34-42341; File No. SR-NASD-99-70)

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Establish a FEE For Historical Research and Administrative Reports Provided Through Nasdaq's Web Sites

January 14, 2000.

I. Introduction

On November 24, 1999, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] a proposed rule change to establish a fee for historical research and administrative reports provided through Nasdaq's web sites. Notice of the proposed rule change appeared in the **Federal Register** on December 14, 1999.[3] The Commission received no comments on the proposed rule change. This order approves the proposed rule change.

II. Description of the Proposal

Nasdaq proposes to establish a fee which it will charge to investors who request historical research reports pertaining to Nasdaq, Over-the-Counter Bulletin Board (''OTCBB'') or other Over-the-Counter (''OTC'') issues. Nasdaq has provided such reports on an *ad hoc* basis to customers requesting this information by telephone. Investors would contact a member of Nasdaq's staff via telephone, describe the type of customized report desired, and arrange for an appropriate billing and delivery method before having the Nasdaq staff member compile the report. Charges for these reports were based on hourly rates relative to the time required for compilation and delivery of the reports. Nasdaq believes the system was an inefficient and time consuming arrangement that was both burdensome to Nasdaq staff and an impediment to the accessibility of the information for the investor.

As the number of individual investors in today's market directing their own investment decisions has increased significantly, the volume of requests for this information also has increased. To alleviate the demand upon staff resources and increase the quality, speed and availability of the information, Nasdaq has developed an automated request and delivery system that will facilitate the delivery of these reports in a timely and systematic manner at a fixed price, based on a standardized pricing methodology. Investors will be able to access the reports through the Internet on the Nasdaq Trader.com (for Nasdaq issues) and OTCBB.com (for OTCBB and other OTC issues) web sites (or their successor sites, by directing an Internet browser to the appropriate web site. Once at the proper location within the web site, investors would choose from a list of standardized reports, input the necessary information pertaining to the desired security or market participant, and provide credit card information for payment. [4] Once the request has been completed, the report would be sent via e-mail directly to the investor.

Nasdaq proposes to provide historical research reports that fall into two categories: ''Daily Detailed Reports'' and ''Summary Level Activity Reports.'' Examples of Daily Detailed Reports include a Market Maker Price Movement Report (displays all market maker quote changes and the best bid and offer throughout a chosen day for a selected security) and a Time and Sales Report (provides a record of media-reported trades in the selected security, indicating the reported time, price and share volume). Summary Level Activity Reports would provide trade and/or quote information over a monthly or quarterly period.

Fees for the Daily Detailed Reports would be set on a two-tiered basis to reflect the amount of information provided. Nasdaq proposes to assess a fee of $7 for reports with 15 or fewer fields of information [5] for each trading

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 47707 (December 8, 1999), 64 FR 69811.

[4] Credit card information will be obtained through a secure web site connection.

[5] Examples of fields, depending on the type of report chosen, could include reported volume, reported price , reported time, inside bid/ask, short sale indicator, etc.

day requested.[6] Those reports with more than 15 fields would cost $5 per pertrading day of information. Some reports may be available for purchase on a single day basis, while others may be available only as multiple-day packages with a corresponding charge based on the number of days provided. Fees for Summary Level Activity Reports would be fixed at $25 per report.

Nasdaq believes that this pricing structure is a suitable assessment method that will facilitate the creation of an inexpensive and effective service for investors. Furthermore, Nasdaq has been testing this product and the Internet delivery system (on OTCBB.com) for several months by providing selected reports to investors at no charge and has found a high level of satisfaction and interest among investors for their continued availability.

The second category of reports available through Nasdaq Trader.com and/or OTCBB.com, termed ''Administrative Reports,'' will be available to NASD member firms only. These reports are generally composed of firm specific information which is currently provided on an informal basis. One example of this group of reports is the ''SEC 31(a) Report'' which provides member firms with the number of trades transacted on a daily basis and the anticipated SEC 31(a) fees that will be assessed at the end of the month. Another proposed report that could be provided would estimate the total Nasdaq monthly transaction fees for the member firm based on the firm's historical volume.

These Administrative Reports would assist members in auditing their own internal systems, verifying back-end processing, and projecting monthly costs. The reports, which are provided presently by Nasdaq in CD ROM form, would be available through this secure web site connection in a more cost-effective and timely manner. Subscribing member firms would be charged a $25 fee per user, per month, for access to each administrative report.[7]

III. Discussion

The Commission finds the proposed rule change is consistent with the Act and the rules and regulations promulgated thereunder.[8] Specifically, the Commission finds that approval of the proposed rule change is consistent with Sections 15A(b)(5)[9] and (6)[10] of the Act. Specifically, Section 15A(b)(5) requires the equitable allocation of reasonable fees and charges among members and other users of facilities operated or controlled by a national securities association. The Commission finds that the fees which Nasdaq has proposed for the historical research and administrative reports delineated in the proposal are reasonable, given the reliability and accessibility of the information.

Furthermore, Section 15A(b)(6) requires rules that foster cooperation and coordination with persons engaged in facilitating transactions in securities and that are not designed to permit unfair discrimination between customers, issuers, brokers or dealers. Because the fees which Nasdaq proposes to charge for the specified historical research and administrative reports will be assessed only to users of the service, the Commission finds that the proposal is both nondiscriminatory and reasonable. The Commission also believes that the proposal may help to foster cooperation and coordination with persons engaged in facilitating transactions in securities by providing beneficial information to subscribers on a non-discriminatory basis for a reasonable fee. In doing so, the proposal may boost investor confidence, while contributing to the integrity of the securities markets.;

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the Provisions of the Act, in general, and with Sections 15A(b)(5) and (6), in particular.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[11] that the proposed rule change (SR-NASD-99-70), be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00-1467 Filed 1-20-00; 8:45 am]

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[6] For example, an investor requesting a report containing 12 fields of information for a three trading day period would be charged $21.

[7] After assessing the demand for this service, Nasdaq may offer volume discounts to purchasers of multiple reports if it determines that volume discounts are economically feasible.

[8] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78o–3(b)(5).

[10] 15 U.S.C. 78o–3(b)(6).

[11] 15 U.S.C. 78s(b)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42336; File No. SR–NSCC–99–13]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to a Change in Fees for its Insurance Processing Service

January 12, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on December 30, 1999, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by NSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The proposed rule change consists of changes to NSCC's fee schedule relating to its Insurance Processing Service (''IPS'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, NSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments its received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. NSCC has prepared summaries, set forth in sections (A), (B) and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

NSCC has determined to charge members using its IPS transaction and file fees for the transmission of IPS test and production files. In addition, IPS membership fees will be payable from the date an applicant is approved for membership using IPS. These charges will be effective January 3, 2000.

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by NSCC.

The proposed rule change is consistent with the requirements of Section 17A of the Act,[3] as amended, and the rules and regulations thereunder because it provides for the equitable allocation of dues, fees, and other charges among NSCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

NSCC does not believe that the proposed rule change will have an impact on or impose a burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Receive From Members, Participants or Others

No written comments relating to the proposed rule change have been solicited or received. NSCC will notify the Commission of any written comments received by NSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[4] of the Act and Rule 19-4(b)(2)[5] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by NSCC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of NSCC. All submissions should refer to File No. SR–NSCC–99–13 and should be submitted by February 11, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1466 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78q–1.

[4] 15 U.S.C. 78s(b)(3)(A)(ii).

[5] 17 CFR 240.19b-4(f)(2)

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42330; File No. SR–NYSE–94–34]

Self-Regulatory Organizations; Notice of Extension of the Comment Period for the Proposed Rule Change by the New York Stock Exchange, Inc. To Revise Exchange Rule 92, ''Limitations on Members' Trading Because of Customers' Orders''

January 11, 2000.

On September 27, 1994, the New York Stock Exchange, Inc. (''Exchange'' or ''NYSE'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder[2] to revise Exchange Rule 92, ''Limitations on Members' Trading Because of Customers' Orders.'' A complete description of the proposed rule change and Amendment Nos. 1, 2, 3, 4, and 5 to the proposal may be found in the notices of filing previously published in the **Federal Register**.[3]

Given the public's interest in the proposed rule change and the Commission's desire to give the public sufficient time to consider Amendment No. 5 to the proposal, the Commission has decided to extend the comment period pursuant to Section 19(b)(2) of the Act.[4] Accordingly, the comment period shall be extended from January 10, 2000, to January 24, 2000.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as revised by Amendment No. 5, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submissions, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any persons, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–NYSE–94–34 and should be submitted by January 24, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1477 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release Nos. 35139 (Dec. 22, 1994), 60 FR 156 (Jan. 3, 1995) (notice of filing of proposed rule change, including Amendment No. 1); 36015 (July 21, 1995), 60 FR 38875 (July 28, 1995) (notice of filing of Amendment No. 2); 37428 (July 11, 1996), 61 FR 37523 (July 18, 1996) (notice of filing of Amendment No. 3); 39634 (Feb. 9, 1998), 63 FR 8244 (Feb. 18, 1998) (notice of filing of Amendment No. 4); and 42224 (Dec. 13, 1999), 64 FR 71160 (Dec. 20, 1999) (notice of Amendment No. 5).

[4] 15 U.S.C. 78s(b)(2).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42337; File No. SR–OCC–99–10]

Self-Regulatory Organizations; Options Clearing Corporation; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fees and Changes

January 12, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on September 30, 1999, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the

[1] 15 U.S.C. 78s(b)(1).

proposed rule change as described in Items I, II and III below, which items have been prepared primarily by OCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Under the proposed rule change, OCC will reduce the clearing fees it charges to clearing members.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Propose of, and Statutory Basis for, the Proposed Rule Change

Under the proposed rule change, OCC reduced the levels of clearing fees that it charges for established products for the last quarter of 1999. During the first three quarters of 1999, OCC experienced a record volume of options cleared. As a result, OCC proposes to reduce its levels of clearing fees beginning on October 1, 1999, as follows:

Contract trade level	Current discounted clearing fee (as of July 1, 1999)	Proposed clearing fee
1–500	$0.075	$0.065.
501–1000	0.06	0.055.
1001–2000	0.0525	0.045.
>2000	100.00 flat fee	80.00 flat fee.

OCC believes that the foregoing fee change will assure each clearing member a discount on clearing fees. The proposed discounted fee schedule change will ensure that clearing members can immediately realize the benefits of reduced fees (rather than waiting for OCC's rebate of clearing fees) without adversely affecting OCC's ability to maintain an acceptable level of retained earnings. Commencing the first trading day of 2000, these clearing fees will revert to the 1999 levels in effect before July 1, 1999.[3]

OCC believes that the proposed rule change is consistent with the requirements of Section 17A(b0(30(D) of the Act[4] and the rules and regulations thereunder applicable to OCC, because it provides for the equitable allocation of reasonable dues, fees, and other charges among OCC's participants.

(B) Self-Regulatory Organization's Statement on Burden on Competition

OCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. OCC will notify the Commission of any written comments recieved by OCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii)[5] of the Act and Rule 19b 4(f)(2)[6] promulgated thereunder because the proposal establishes or changes a due, fee, or other charge imposed by OCC. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing also will be available for inspection and copying at the principal office of OCC. All submissions should refer to File No. SR–OCC–99–10 and should be submitted by February 11, 2000.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1465 Filed 1–20–00; 8:45 am]

BILLING CODE 8010–01–M

[2] The Commission has modified the text of the summaries prepared by OCC.

[3] Refer to Securities Exchange Act Release No. 41736 (August 19, 1999), 64 FR 45295 [File No. SR–OCC–99–8] for fees in effect before July 1, 1999.

[4] 15 U.S.C. 78q 1.

[5] 15 U.S.C. 78s(b)(3)(A)(ii).

[6] 17 CFR 240.19b–4(f)(2).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42332; File No. SR–Phlx–99–59]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Exemptions for Certain Customer Executions Via AUTOM and Increases to Options Transaction Charges for Firms, ROTs and Specialists

January 12, 2000.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 27, 1999, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend its schedule of dues, fees and charges to exempt from customer per contract transaction and comparison fees, customer executions on orders of 250 contracts or less delivered through the Exchange's Automated Options Market (''AUTOM'') electronic delivery and execution system. The Exchange also proposes to increase transaction charges by $.02 per contract for firm and registered options trade transactions and $.04 per contract for specialist transactions. The proposed effective date of these amended charges is at the opening of business, January 3, 2000. The text of the proposed rule change follows. New text is italicized and deleted text is bracketed.

SUMMARY OF EQUITY OPTION CHARGES

Option Comparison Charge (applicable to all trades—except specialist trades):	
	Per contract
Registered Option Trader	$.03
Firm ([Property] *Proprietary* [and Customer Execution])	$.04
x Customer Executions	*$.04*
Option Transaction Charge:	
*13 x*Customer Executions:	
*Market value less than $1.00 **	$.10
*Market value $1.00 or over **	$.10
Firm **	$.0[6]*8*
Registered Option Trader [and Specialist]	$.1[4]*6*
Specialist	*$.18*
Option Floor Brokerage Assessment	
5% of net floor brokerage income.	
Floor Brokerage Transaction Fee	
$.05 per contract, for floor brokers executing transactions for their own member firms	
See Appendix A for additional fees.	

* Block transaction for customer executions of 500 to 999 contracts and 1000 contracts and more are eligible for a discount to such charges of 15% and 25% repsectively from the stated rates upon submission to the PHLX of a customer option block discount request form with supportive documentation within thirty (30) days of monthly billing date.

** Non-clearing firm members' proprietary transactions are eligible for the ''firm'' rate based upon submission of a PHLX rebate request form with supportive documentation within thirty (30) days of invoice date.

x Customer executions on orders delivered through the Exchange's Automated Options Market (''AUTOM'') electronic delivery and execution system of 250 contracts or less are exempt from these charges.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organizations has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of this proposed rule change is to amend the Phlx's fee schedule to exempt all customer executions on orders delivered through AUTOM electronic delivery and execution system of 250 contracts or less from equity option transaction and comparison charges and to offset the fee exemption by imposing increased per contract option transaction charges on firm, registered options traders and specialist executions to achieve a revenue neutral effect. The proposed amended schedule of equity option charges is designed to promote the Exchange's reputation as a cost effective environment for both customers and traders to transact their options business.[3]

The Phlx believes that the amended equity option charges are reasonable and equitable and will encourage customer order flow to be executed over the Exchange's AUTOM electronic delivery and execution system by exempting customer transactions from per contract transaction and comparison charges. The amended schedule of equity options charges affords retail broker/dealers cost savings respecting electronic delivery and executions of customer orders.

The Exchange believes that these changes will help it to meet the changing needs of customers in the marketplace and give the Exchange better means of competing with other options exchanges for order flow, particularly in multiply traded issues. The Exchange also believes the changes will allow the Exchange to enhance its operational efficiency.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b) of the Act[4] in general and furthers the objectives of Section 6(b)(4)[5] in particular because it provides for the equitable allocation of reasonable dues, fees and other charges among its members.[6]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change establishes or changes a due, fee, or other charge and, therefore, has become effective pursuant to Section 19(b)(3)(A) of the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[1] Only Exchange member organizations are permitted to enter orders on AUTOM and are charged the relevant fees by the Exchange. Therefore, only members of the Exchange will be directly affected by this proposed rule change. Telephone conversation between Murray Ross, Secretary, and Madge M. Hamilton on January 4, 2000.

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(4).

[6] In reviewing this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

Act[7] of Rule 19b–4 thereunder.[8]ays of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. § 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Phlx–99–59 and should be submitted by February 11, 2000.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–1476 Filed 1–20–00; 8:45am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(2).

[9] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before February 22, 2000. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, SW, 5th Floor, Washington, DC 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Disaster Home Business Loan Inquiry Record.

Form No: 700.

Frequency: On Occasion.

Description of Respondents: Victims in Presidentially declared disasters.

Annual Responses: 53,478.

Annual Burden: 13,370.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–1436 Filed 1–20–00; 8:45 am]

BILLIING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before March 21, 2000. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; and OMB Reviewer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Disaster Declaration Governor's.

Form No: N/A.

Frequency: On Occasion.

Description of Respondents: States requesting a Presidential Disaster Declaration.

Annual Responses: 57.

Annual Burden: 1,140.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–1437 Filed 1–20–00; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of Reporting Requirements Submitted for OMB Review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before March 21, 2000. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: Agency Clearance Officer, Jacqueline White, Small Business Administration, 409 3rd Street, S.W., 5th Floor, Washington, D.C. 20416; and OMB Reviewer, Office of Information and Regulatory Affairs,

Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503.

FOR FURTHER INFORMATION CONTACT: Jacqueline White, Agency Clearance Officer, (202) 205–7044.

SUPPLEMENTARY INFORMATION:

Title: Entrepreneurial Development Management Information System (EDMIS).

Form No: 641, 641A.

Frequency: On Occasion.

Description of Respondents: SBA Resource Partners.

Annual Responses: 120,000.

Annual Burden: 60,000.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–1439 Filed 1–20–00; 8:45 am]

BILLING CODE 8025–01–U

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3231]

State of Mississippi

Union County and the contiguous counties of Benton, Lafayette, Lee, Marshall, Pontotoc, Prentiss, and Tippah in the State of Mississippi constitute a disaster area due to damages caused by severe storms and tornadoes that occurred on January 3–4, 2000. Applications for loans for physical damage caused by this disaster may be filed until the close of business on March 13, 2000 and for economic injury until the close of business on October 11, 2000 at the address listed below or other locally announced locations: U.S. Small Business Administration, Disaster Area 2 Office, One Baltimore Place, Suite 300, Atlanta, GA 30308.

The interest rates are:

For Physical Damage

Homeowners with credit available elsewhere—7.500%

Homeowners without credit available elsewhere—3.750%

Businesses with credit available elsewhere—8.000%

Businesses and non-profit organizations without credit available elsewhere—4.000%

Others (including non-profit organizations) with credit available elsewhere—6.750%

For Economic Injury

Businesses and small agricultural cooperatives without credit available elsewhere—4.000%

The numbers assigned to this disaster are 323112 for physical damage and 9G4000 for economic injury.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: January 11, 2000.

Aida Alvarez,

Administrator.

[FR Doc. 00–1518 Filed 1–20–00; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular 20–XX, Recommended Method for FAA Approval of Aircraft Fire Extinguishing System Components

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Availability of Proposed Advisory Circular (AC) 20–XX, and request for comments.

SUMMARY: This notice announces the availability of and requests comments on a proposed advisory circular (AC) which provides guidance on the various aspects that should be considered in the FAA approval process of fire extinguishing system components manufactured under a Production Certificate (PC), components to be FAA approved under the Part Manufacturer Approval (PMA) process, or design changes to components originally approved by either method. This notice is necessary to give all interested persons an opportunity to present their views on the proposed AC.

DATES: Comments must be received on or before April 20, 2000.

ADDRESSES: Send all comments on proposed AC 20–XX to: Federal Aviation Administration, Attention: Jan Thor, Program Management Branch, ANM–114, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, WA 98055–4056. Comments may be inspected at the above address between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jan Thor, Transport Standards Staff, at the address above, telephone (425) 227–2127.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on the proposed AC by submitting such written data, views, or arguments as they may desire. Commenters should identify AC 20–XX and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff before issuing the final AC. The proposed AC can be found and downloaded from the Internet at *http://www.faa.gov/avr/air/airhome.htm,* at the link titled ''Draft AC's.'' A paper copy of the proposed AC may be obtained by contacting the person named above under the caption ''**FOR FURTHER INFORMATION CONTACT**:''.

Discussion

A fire extinguishing system is comprised of many components which are critical for the proper operation of a system as installed in an aircraft. Section 25.901(b)(2) requires that components of the installation must be constructed, arranged, and installed so as to ensure their continued safe operation between normal inspections and overhauls. The applicant should evaluate the fire extinguishing system and establish minimum reliability standards for the components of the system so that the overall system can meet this requirement. The components should be designed and qualified to meet specific operating performance, service life and reliability requirements of the fire suppression system design established at the time of type design approval. It is recommended that Production Approval Holders (PAH) and Parts Manufacturer Approval (PMA) applicants demonstrate that their candidate components meet or exceed these criteria. The proposed AC describes the critical parameters involved with the design, production and testing of the following components: Explosive firing cartridge, precision burst disc, fill fitting, pressure indicator and discharge head. The proposed AC does not address the complete aircraft system installation. There may be airframe installation requirements and boundary conditions that should be met prior to installation approval.

Issued in Renton, Washington, on January 11, 2000.

Vi L. Lipski,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service, ANM–100.

[FR Doc. 00–1481 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–99–6717]

207-Minute Extended Range Operations With Two-Engine Aircraft (ETOPS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Disposition of comments; policy statement for 207-minute ETOPS; request for comments.

SUMMARY: This notice responds to comments received in response to a request for public comments that was published on April 27, 1999 in the **Federal Register** (64 FR 22667) pertaining to a proposed policy for 207-minute ETOPS operation approval criteria for the Boeing 777 airplane, informs the public of the FAA decision to establish the conditions for a limited authorization for up to 207-minute ETOPS operation, and informs the public of FAA intent to task the Aviation Rulemaking Advisory Committee (ARAC) in the near future to recommend safety standards and procedures for extended range operation of airplanes, regardless of the number of engines.

DATES: This policy is effective on March 21, 2000. Comments must be received on or before March 6, 2000.

ADDRESSES: Comments on this document should be mailed or delivered, in duplicate, to: U.S. Department of Transportation Dockets, Docket No. FAA–99–6717, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments may be filed and examined in Room Plaza 401 between 10 a.m. and 5 p.m. weekdays, except Federal holidays. Comments also may be sent electronically and examined via the Docket 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.

FOR FURTHER INFORMATION CONTACT: Eric A. van Opstal, Air Transportation Division (AFS–200), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591, telephone (202) 267–8166.

SUPPLEMENTARY INFORMATION:

Background

In a letter dated February 26, 1999, the Air Transport Association (ATA) requested the FAA to issue a policy letter establishing 207-minute ETOPS authority (See the ATA proposal that was published in the April 27, 1999 **Federal Register**). That letter stated that ATA member airlines determined that a need exists for expanded ETOPS authority beyond 180 minutes. The ETOPS Subcommittee of ATA established a process where associated airlines, the Pilots associations, Boeing, and other parties worked together to determine the criteria to support the establishment of a proposed 15 percent operational extension of 180 minutes ETOPS. That subcommittee prepared an ETOPS Policy Letter draft proposal dated February 4, 1999.

The FAA responded to the ATA letter by publishing the **Federal Register** a copy of the ATA letter and draft proposal, and requested public comment (64 FR 22667). This Notice responds to the comments received, provides notice of the FAA decision to allow an extension of ETOPS to 207 minutes, describes the criteria for a limited authorization for 207-minute ETOPS for the Boeing 777, and provides notice of the FAA's intent to task the ARAC to recommend safety standards and procedures for extended range operation of airplanes, regardless of the number of engines.

Additional Comment Period for Policy Decision

Very extensive comments were received on all the issues embodied in the ATA proposal. After careful review of the ATA proposal and those comments, the FAA is adopting, with some modification, the ATA proposal. Given the minor differences from the original ATA proposal, the FAA believes it is reasonable to proceed forward with a final decision.

However, because two commenters have expressed concerns about the FAA making a final decision on the ATA proposal without allowing additional public comment on the FAA final action and disposition of comments, the FAA is allowing an additional 45 days for interested persons to comment further on the 207-minute dispatch authorization described in this policy. This authorization is automatically effective on March 21, 2000 unless, after review of any new comments received, the FAA believes modification or additional action is required. The FAA will publish in the **Federal Register** a full disposition of all new comments received and, if required, any additional steps to stay or modify the limited 207-minute authorization.

Interested persons are invited to comment on this policy statement by submitting such written data, views, or arguments as they may desire. Comments that provide factual basis supporting the views and suggestions presented are particularly helpful. Comments must identify the regulatory docket or notice number and be submitted in duplicate to the address specified above.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the notice number or docket number of this notice.

Discussion of Comments From Previous Notice

The FAA received 44 comments in response to the notice published on April 27, 1999 (64 FR 22667), including comments from individual members of the Joint Aviation Authorities (JAA) ETOPS Work Group. All commenters but 12 supported the ATA proposal for 207-minute ETOPS. The issues and concerns raised by the 12 commenters who opposed the proposed extension of ETOPS are discussed below.

1. No Justification for Change

The Allied Pilots Association (APA) and Airbus Industries (Airbus) expressed concern that the proposal is an attempt to generally extend ETOPS when no justification for changing the diversion limits has been shown. APA stated that only the South America-New Zealand market cannot be operated with the current three hour standards. They also pointed out that Boeing and operators have stated that there are only a few days a year when alternate routings would have to be considered for twin engine aircraft operating on the North pacific routes due to unsuitable weather at the preferred alternates. Airbus commented that there is no precedent for a 15 percent extension. APA suggested that the intent of the proposal appears to be to provide support for marketing the B–777 as a replacement for older, three and four engine aircraft. APA argued that economic desirability does not constitute need.

FAA Response

Most commenters (32 of 44) supported a 15 percent extension of the diversion limits for ETOPS. United Airlines stated that 207-minute ETOPS is a logical extension from 180-minute ETOPS that will serve the interests of the traveling public, the environment and the industry. The Air Line Pilots Association, International stated that

current requirements have an excellent safety record and the approval process has lead to safety enhancements for twin engine aircraft. The Rolls-Royce Airworthiness Department suggested that the proposed policy statement and reissue of Advisory Circular AC120–42A should be considered a first step towards a general tidying up to the ETOPS regulations. Continental Airlines supports the proposal because it would benefit the traveling public by reducing enroute times across the North Pacific with no degradation in safety. It would also positively impact the economics of the route, which will ultimately benefit the traveling public. The equipment and dispatch specifications detailed in the proposal are more conservative that those required by 180-minute diversion authority. Boeing suggested that the current proposal reflects the ''safe, conservative, evolutionary nature of ETOPS, which is a fact-based industry program dependent on the gathering and analysis of operational data.''

ETOPS conducted in the North Pacific (NOPAC) meets all of the conditions in AC 120–42A that define a ''demanding area of operation''. Today, 180-minute ETOPS in NOPAC is routinely conducted by several North American and Asian air carriers on a daily basis. There are sufficient adequate alternate airports available in the area of operation that allow for year round operations. The introduction of a 207-minute authorization would provide an air carrier with additional flexibility with the dispatch of an ETOPS flight, which may in fact position the flight closer to more enroute alternate airports. This would be both an operational and safety benefit.

ETOPS operations in a 'demanding area of operation' began with a limited 75-minute authority for North Atlantic crossings. As service experience was gained and the safety of the operations validated, the FAA granted an increase to 120-minute diversion limit. This allowed ETOPS flights access to some of the established North Atlantic navigational tracks. The original ETOPS Advisory Circular, AC 120–42 dated 1985, included a provision that the FAA would allow an operator on a 'case-by-case' basis up to a 15 percent increase to the 120-minute maximum diversion time. The extension granted a 138-minute diversion limit which ideally suited North Atlantic ETOPS, as it now allows use of all available NAT navigational tracks. The extension provision was removed when the Advisory Circular was revised as AC 120–42A in 1988. AC 120–42A introduced the means by which the FAA would approve 180-minute ETOPS, and the conventional wisdom at that time considered the allowable extension to 138-minutes as no longer necessary. However as Airbus and other commenters have noted, the FAA reinstated the 138-minute diversion limit by policy letter EPL 95–1 in 1994, designating its use only for North Atlantic ETOPS operations.

In response to the comment by APA that ETOPS requirements would be eased so that Boeing could more effectively market the B–777 in place of older 3- and 4-engine airplanes, the FAA rejects the notion that the safety decisions to be made for 207-minute ETOPS operations are related to the marketing of airplanes. The FAA considers operations meeting the ETOPS standards of reliability and the operational requirements to have proven themselves well over the years. The increased safety standards for ETOPS airplanes and associated maintenance practices have found their way into other airplanes routinely used in non-ETOPS commercial air transport. Thus, ETOPS principles have ''raised the safety bar'' for all types of operations.

The ATA 207-minute proposal specifies particular airplane systems design as well as additional equipment requirements. The ATA ad-hoc work group that drafted the 207-minute proposal considered the proposed area of operation and operating environment with the additional diversion time, and considered the additional requirements to be necessary to maintain existing safety standards, which is based on a conservative approach. It was a collective recommendation that was made with a diverse group comprised of representatives from operators, manufacturers, and pilot associations. This was agreed upon with full knowledge that the added requirements would not be met by some other airplanes that already hold ETOPS type design approval, and have provided the remarkable safe ETOPS operating experience to date.

The FAA agrees with APA that a review should be conducted on the requirements for all long range operations, including 3- and 4-engine airplanes, and that there should be a more uniform application of those requirements. The FAA therefore proposes the formation of an ARAC group appropriately tasked to provide the FAA with recommendations concerning all long range operations. See the statement of intent at the end of this notice.

2. Some Diversion Airports May Become Redundant and Risk Closure

APA and Airbus expressed concern that the proposed extension of ETOPS authority may cause some diversion airports that are currently relied on to become redundant. They may then risk closure.

FAA Response

The FAA agrees that North Pacific alternate airports play an important role in the safety of all commercial aviation in the region. Any airplane may have to divert due to reasons such as passenger illness, system failures, decompression, or fuel leaks. In fact, 3- and 4-engine airplanes have a higher rate of diversion, for all causes, than ETOPS airplanes. Boeing has provided data that shows that less than 10 percent of diversions with their two-engine ETOPS airplanes were due to an inflight engine shutdown (IFSD). The remaining diversion of twin engine ETOPS airplanes were due to other causes that may affect any airplane. The issue of sufficient alternate airports is much broader than just related to the conduct of ETOPS.

The FAA does not believe that a 207-minute diversion authority in the North Pacific would result in the closure of airports designated as enroute alternates for 180-minutes ETOPS operations. Some of the same airports that are available for 207-minute ETOPS are also used with 180-minute ETOPS. The ATA proposal also limited the use of the 207-minute ETOPS extension so much of the time the airlines would be using the normal diversion airports for 180-minute ETOPS operations. A United Airlines Dispatch Office study showed that 10 percent of the flights would benefit from a 207-minute dispatch, while the remaining 90 percent would still be dispatched at 180-minutes.

The FAA also agrees with APA that solutions are needed to ensure the continued availability of airports for use as enroute alternates for the benefit of the entire industry. It is an international problem that needs attention and long term solutions. The issue is related to far more issues that just the ETOPS diversion time and requires broader solutions involving other countries.

3. The Proposal Is Too Broad

APA and Airbus pointed out that the proposal is too broad in that it does not establish requirements such as limited routes and specific conditions that would justify 207-minutes ETOPS as the safest available alternative.

FAA Response

The FAA agrees that the ATA proposal might be too broad in that it could be viewed as having a wider application than intended. For the proposal at hand, the 207-minute ETOPS operations are intended to apply only to the North Pacific area of operation, and then, only when conditions prevent a 180-minute dispatch. A general 207-minute policy would give the illusion that a higher ETOPS threshold has been accepted that could be applied to all geographical areas of operation and all airplanes that have ETOPS type design approval. The FAA believes that much further discussion would be needed to develop general standards for ETOPS beyond 180-minutes, and that it is important to have international participation so that global standards are achieved. To this end, the FAA intends to solicit recommendations through the ARAC for the development of general ETOPS standards for operations beyond the 180-minute limit. This is discussed in more detail at the last section of this notice.

The FAA recognizes the benefit of a route of flight that positions an airplane closer to airports that meet the criteria of ''adequate'' for the purpose of ETOPS enroute alternates. This is understood to be the basis for the ATA proposal. The FAA recognizes that an ARAC approach that deals with all airplanes and all routes will be years away from regulatory adoption, and thus should be viewed as a long-term solution. In the interim, the FAA believes that with the conditions and limitations specified in this document, 207-minute ETOPS authorizations can be issued for use in the North Pacific area of operation for airlines that have previous 180-minute ETOPS experience, and be limited to airplanes like the B–777. Such authorizations can be issued without any decrease in safety. In addition, other limitations will specify the conditions and frequency that will apply to the use of the 207-minute dispatch. The reason for limiting the approval to airplanes like the B–777 will be discussed further.

4. The Proposal Reduces Weather Standards for Diversion Airports

APA stated that the real, though indirect, result of the proposed 207-minute ETOPS is to reduce weather standards for diversion airports. Airbus comments that the longer the flight the more unlikely the weather at a designated alternate corresponds to that forecast at the beginning of the flight. Airbus also suggests that climatological data for the area should be analyzed to determine the frequency with which flexibility will be increased.

FAA Response

There is not relaxation of weather criteria of any difference in required weather standards to determine the ''suitability'' of a adequate enroute alternates for a 207-minute dispatch compared to any other ETOPS diversion limit. Airlines are required to apply the standard or otherwise approved alternate airport weather minima criteria that are contained in their operations specifications.

The FAA has reviewed a study prepared by United Airlines Dispatch Center that collected and analyzed meteorological forecast and actual weather data at airports that meet ''adequate'' criteria as enroute alternates in the North Pacific. The purpose of the study was to determine if and when a 207-minute dispatch would be beneficial when the forecast at ''adequate'' alternate airports within 180-minutes distance were below the *dispatch* alternate minima requirements. The study looked at more than a years worth of data and shows that a 207-minute ETOPS dispatch would mostly benefit Eastbound operations from Japan to the United States because those departures generally occur at night. The weather forecasts during night hours tend to be worse than during daylight. The study also showed that those ''adequate'' alternate airports within the 180-minute distance that did not meet the pre-departure alternate weather criteria, did in fact stay at or above the operational approach minima for the expected times of arrival of the flight (if the flight had to divert to the alternate airport). Operational approach minima is the weather minima needed to execute an approach and landing. After flight departure and while enroute, those ''adequate'' airports that meet operational approach minima are re-classified as ''suitable'' enroute alternates. The study also showed that the frequency of a 207-minute dispatch in lieu of a 180-minute dispatch would be in the area of 10 percent to 15 percent of the total departures. Finally, the 207-minute dispatch allowed a routing consistent with ATC preferred routes. The conclusions drawn from the study are: The use of a 207-minute dispatch would be infrequent; the flight could be dispatched on preferred ATC routes; and, the resulting route would place the airplane closer to more enroute alternates that after flight departure would meet ''suitable'' criteria. This offers the possibility that the flight crew, when faced with the need to initiate an in-flight diversion, could be closer to a suitable alternate airport than compared on an off-track route that was based on a 180-minute dispatch. This would clearly provide for enhanced safety.

The FAA acknowledges the difficulty in establishing accurate forecasts for alternate airports that may be 12 or more hours away. This difficulty is faced by all crews regardless of the airplanes they are flying on extended range flights. It is also obvious that the further out the forecast period is, the more likely that lower TEMPO (temporary) and PROB (probability) conditions will be included in the forecast that the dispatcher and flight crew must take into account. This is where the ATA's proposed requirement for SATCOM and SATCOM datalink capability gives greater assurance that once airborne and enroute, the flight crew will receive continuing updates on the forecast weather for all of the available enroute alternates, and will allow closer monitoring of weather trends. The enhanced communication capability that SATCOM provides aids in the transmission of relevant data to the flight crew.

5. ETOPS Should Be Formalized in Regulations Rather Than Administered Through Advisory Circulars and Policy Letters

Airbus and APA said that ETOPS should be formalized through the rulemaking process rather than by policy and Advisory Circulars. Additional comments suggested that it was time for the FAA to bring the FARs up to date. These commenters are well as AECMA, ALPA, Federal Express Pilots, and DGAC France all stated that major policies such as those that govern ETOPS should be in regulatory form. ALPA commented that ''there is a need to develop a new set of regulations which would apply to all long-range operations regardless of the number of engines''.

FAA Response

Extended range, twin-engine operations are authorized by the FAA under 14 CFR § 121.161(a), ''based on the character of the terrain, the kind of operation, or the performance of the airplane to be used * * *.'' The FAA issued Advisory Circular 120–42, and has revised it several times, to incorporate the standards for ETOPS up to and including 180-minute dispatch authorizations. The FAA publishes in the **Federal Register** a notice of availability of each proposed revision, solicits comments, and then issues a revision to AC 120–42 only after

consideration of all the public comments. Thus, the public has always participated fully in the development of ETOPS standards. Furthermore, the FAA has ensured that ETOPS operators comply with those standards by applying them through operations specifications. The result has been that ETOPS authorizations have been established as they would have been established through a more structured codification.

Because of the limited scope of the 207-minute dispatch described in this document, the FAA is not proposing a corresponding revision to AC 120–42.

The FAA agrees that ultimately more defined criteria for ETOPS should be placed in Part 121 through the rulemkaing process. ETOPS over the years has been well served with the standards and requirements of AC 120–42A, but formal regulatory objectives should be developed for the extended range operation of any airplane. As more fully outlined later, the FAA will initiate tasking of an ARAC Working Group to start with the codification of the existing ETOPS requirements, and to make recommendations for standards for ETOPS beyond 180-minutes. The ARAC Working Group will also be tasked to look at the requirements for all long-range operations in order to recommend airplane safety requirements for all airplanes.

6. ETOPS Regulations Should Be Driven by Safety

For the type design approval criteria, the UK CAA suggests that ''The ETOPS significant systems should be re-assessed to ensure their suitability for the extended diversion time (207 minutes). Systems Safety Analyses (SSA) should be carried out based on the extended diversion time and longest flight time. The re-analysis required (SSA) is to ensure that overall safety objectives are still achieved with the extended diversion time and flight times.'' They also suggest alternative wording for the type design approval criteria to state that ''any one of the engine or APU driven generator sources shall be capable of powering all main essential and standby (emergency) AC and DC buses.'' This, in effect, would require a ''non-time limited emergency power source capable of continuously supplying essential functions''. They suggested that the list of services that need to be supplied should be re-assessed for 207 minute diversion times, and listed fifteen services that should be re-assessed as a minimum.

FAA Response

The FAA agrees that all ETOPS approvals should be granted only on the basis of safety. Industry need and operational desirability are important issues to those wanting to make a business case for certain operations, but they are not the key drivers for the FAA. The FAA must make its decisions based upon safety.

The FAA does not agree that a 15 percent extension for this limited special authorization warrants a re-assessment in a Systems Safety Assessment of all ETOPS significant systems. The original assessment conducted for original compliance with the B–777 ETOPS special conditions and for basic type certification is adequate. However, it is appropriate to update original numerical probability analyses, as the ATA proposed in Item 7–1, to ensure that the safety objectives are still met with the longer diversion times. Also, this update will allow the FAA to review these numerical probability analyses with actual in-service component reliabilities considered in the analyses, which were not available at the time of the original submittals.

For the CAA comment on Item 7–9 in the ATA proposal, the FAA agrees that the item could be better stated, and will incorporate the recommended wording change. The FAA also agrees that this item effectively requires a non-time limited emergency power source This is the FAA's intent for this requirement. The FAA does not agree that the recommended list of services should be included. This list is the same list of services that are included in the Joint Aviation Authorities (JAA) Information Leaflet IL–20 paragraph 8.b.(7), which is a non-harmonized equipment with the corresponding paragraph of the FAA ETOPS Advisory Circular (AC) 120–42A. This issue can be addressed, as appropriate, by the ARAC working group, along with other items that will bring harmonization to the FAA and the JAA regulations. The FAA does not believe that the lack of harmonization with the JAA regulations is a reason to not proceed with this action.

Comment

Airbus states ''type certificate limits are regulatory'', and asserts that the ETOPS maximum diversion time is a limit on the Type Certificate Data Sheet for the B–777.

FAA Response

The ETOPS approval statement in the Type Certificate Data Sheet is a finding of suitability based on a review of the type design and reliability of the airframe/engine combination. The statement is the reflection of what was approved as a part of the type certification process and does not prohibit additional FAA approvals. The certification of the B–777 for initial ETOPS operation was on the basis of special conditions that constitute part of the certification basis of the airplane. There was no intention that the special conditions, being issued for 180-minute operational considerations, would limit the B–777 to that operation for the life of the airplane. It is further important to recognize that the type design approval finding does not constitute approval to conduct ETOPS operations. Limits on ETOPS operational diversion time are contained within an individual operator's operations specification. As an example, an operator may be limited to 120 minute ETOPS in its operations specification even though the airplane it is operating has been approved for 180 minute ETOPS and those operations are being successfully conducted by other operators. In addition, current ETOPS operating requirements contained in AC 120–42A already recognize that deviations from the approved diversion time may occur based on unforeseen conditions during a given diversion. The Configuration, Maintenance, and Procedures (CMP) standard is a FAA approved document and is a required type design incorporation that establishes the suitability of an airplane for extended range operations, and is considered a limitation.

Comment

Airbus states in its comments titled ''Increased risk of additional hardware failure'' that risk assumptions and models used in ETOPS risk management need public review.

FAA Response

Technical matters, like risk assumptions and analyses, considered by the FAA during the type certification process are normally not public information because they contain information of a proprietary nature. The FAA agrees, though, that there is some merit to better defining the type of risk analyses that should be conducted for extended range operations in order to ensure a uniform application world-wide. For that reason it will task the ARAC to evaluate the current risk assumptions and models and make recommendations to the FAA. In the mean time, the FAA is confident that the risk assumptions and analyses conducted in past ETOPS approvals are sufficient to proceed with an extension to 207 minutes for the B–777.

Another reason the FAA is confident in proceeding with the 207-minute approval is the basic manner in which the B–777 was type certificated. It is the only airplane that was designed from the start for ETOPS operation on its first day of service. This required Boeing to address all possible failure modes of past airplanes and engines and demonstrate that the B–777 was designed to preclude those failures. This extensive safety analysis has produced an airplane that exceeds the dispatch reliability of any previous airplane, which is as measure of the reliability of the airplane design and air carrier maintenance programs. The FAA believes the operational history of the airplane has proven the validity of this approach and the uniqueness of the B–777 for consideration of 207-minute ETOPS operations. Should other airplanes be presented for approval to operate to 207 minutes, the FAA would assess their design and operational experience in the same way as it has for the B–777.

Comment

AECMA states that the proposed IFSD of .019/1000 is not sufficient to comply with FAR 25.1309.

FAA Response

For this special limited authorization to operate at 207 minute ETOPS, the FAA does not agree that it is necessary to specify a different in-flight shutdown rate requirement than the .02/1000 engine hours, defined in AC 120–42A. Since the ATA proposal for .019/1000 is a conservative value relative to the .02/1000 requirement, the FAA is accepting this coordinated industry position as one of the factors that establishes the Agency finding of equivalent safety. This reliability evaluation tool in the ETOPS criteria was not intended to compensate for ''non-compliance'' with FAR 25.1309. The ETOPS IFSD rate requirement is not related to FAR 25.1309 compliance as implied in the AECMA comment, but is derived from the baseline engine IFSD rate used in the development of the 180-minute ETOPS approval criteria as a measure of an acceptable ETOPS engine reliability. However, the FAA agrees that the reliability of state of the art engines is much better than the current .02/1000 standard, and supports a review of the ETOPS inflight shutdown rate requirement as part the overall ARAC rulemaking activity. The B–777 has clearly established an in-flight shut down rate far better than the .02/1000 standard and is one of the reasons the FAA is confident in proceeding with the 207-minute ETOPS approval.

Comment

Airbus encouraged the FAA to reconsider the ''still air'' provisions. Airbus proposes that oil, fire suppression, and other time limited systems should be capable for the entire length of maximum anticipated diversion time based on actual winds, not ''still air.''

FAA Response

The FAA does not intend to change basic premises used with ETOPS in calculating distances using ''still air''. The operational regulatory reference in the FAR addresses the distance in ''still air'' and the FAA sees no reason to change this basic assumption merely because of the 15 percent extension in allowable diversion time. The global application of ETOPS is also based on ''still air'' criteria. The FAA will consider any recommendations by the ARAC ETOPS Working Group if they determine that time limited components should be based on forecast and actual winds as Airbus proposes. What must be applied to every EROPS departure, is the fuel load that meets or exceeds the critical fuel scenario analysis, which *is* based on forecast and actual winds.

7. ETOPS Rules Should Be Harmonized With International Rules

Some commenters suggested that the ETOPS rules should be harmonized with international rules and should not discriminate against non-U.S. manufacturers and operators.

FAA Response

The FAA has been and remains committed to harmonization of regulatory requirements to the extent possible with international rules. That will always be a goal of the FAA but that goal must be balanced with other issues the FAA must respond to. In this case, there has been a proposal to extend the ETOPS approved operations for the B–777 up to 207 minutes. It is not appropriate for the FAA to delay action on the proposal in order to harmonize its position with other regulations, when appropriate regulatory action has been determined. Again, the FAA places a high priority on harmonization of standards world-wide, but not at the cost of reasonable action in response to any request by those it directly regulates.

A lot of effort has gone into the harmonization of ETOPS requirements and standards, and although there are specific areas of difference, its general application is uniformly applied worldwide. The 207-minute ETOPS is being accepted because it adds a safety benefit to the ETOPS conducted in the North Pacific, and U.S. airlines presently operating ETOPS in that area can benefit from this. The FAA will further pursue harmonization through intended tasking of an ARCA ETOPS Working Group that will provide recommendations for codifying ETOPS standards and requirements. The FAA welcomes participation by foreign regulatory authorities, manufacturers, and operators in this development to harmonize requirements, and to develop international standards. Interested persons should review the intended ARAC tasking published elsewhere in this edition of the **Federal Register.**

8. 207-Minute Proposal Specifies Equipment Requirement

The ATA 207-minute proposal contained specific system configurations. It specifies that at least one fuel crossfeed valve and one fuel boost pump in each main tank must be able to be powered by a backup electrical power source. It specifies time related cargo fire limitations, and all other time limited systems to be not less than 222 minutes. For the electrical system, any one of the engine of APU driven generator sources must be capable of powering the main AC and main DC electrical buses. To enhance pilot communications, the airplane must have SATCOM voice and/or SATCOM datalink installed, and for pilot work load consideration, the airplane must have single-engine autoland capability. The ATA proposal also specified MEL restrictions that would apply to the 207-minute dispatch. It proposes the operability of autoland capability, SATCOM voice and/or SATCOM datalink, autothrottle system, the fuel quantity indicating system (FQIS), and the APU (that includes the electrical and pneumatic supply to its designed capability) at time of dispatch.

Continental Airlines states that the equipment and dispatch specifications detailed in the proposal are more conservative than those required by 180-minute diversion authority, and that the specifications detailed in the proposal define a level of sophistication in the aircraft design that goes far beyond the aircraft that were originally approved for 180-minute diversion authority. In their opinion extending the diversion authority beyond 180-minutes with the added conservatism and narrow scope presents benefits to the traveling public with no degradation in safety. Another commentator, although in favor of 207-minute ETOPS, argues against the additional equipment requirements in the ATA proposal because it would eliminate most of the world ETOPS fleet

from 207-minutes ETOPS consideration. DGAC France and the United Kingdom CAA both expressed the view that if SATCOM was a requirement for communication capability, then it must be capable of being powered through a back-up source.

FAA Response

The FAA has considered the additional systems capability, equipment, and serviceability requirements in the ATA proposal. The FAA does not consider these airplane requirements as the final determination of generally applicable 'standards' for ETOPS beyond 180-minutes, but does consider the added ATA criteria are in line with the basic conservation embodied in present ETOPS operations. The added requirements were developed through a coordinated effort between airlines, manufacturers and pilot associations and the result represents an agreement among those parties. The FAA therefore accepts all the proposed added requirements as an integral part of a ''special 207-minute authorization'' except the monthly reporting requirements. As such, the FAA has information that the B–777 would qualify for 207-minute ETOPS. The FAA wants to make it clear that by its acceptance of the ATA proposal that an equivalent level of safety is found. The FAA has not made a determination that the proposal by the ATA is the only proposal that would allow all 207 minute ETOPS operations, or is the minimum level of safety for all operations. The FAA intends to task the proposed ARAC ETOPS Working Group to make recommendations on standards and requirements for ETOPS beyond 180-minutes. This may lead to standards of system configuration and requirements that would enable other existing airframe/engine combinations to be used. The FAA will be looking for ARAC to set forth recommendations that define minimum standards and develop the proper technical justification for those being the minimum standards. Once those minimum standards are proposed by ARAC, the FAA will review all ETOPS approvals to decide if the ARAC proposed standards should be applied to all ETOPS operations. In making that decision it will rely to a great extent on the service history of the fleet operating under today's standards, which so far has been excellent.

The FAA considers the proposal for SATCOM and/or SATCOM datalink to be an additional communication requirement beyond that which is presently required. It is therefore not to be considered as a replacement communication system. The value of SATCOM is recognized and its importance as an aid to rapid and efficient communication for the flight crew is supported by the requirement for the SATCOM to be operative for a 207-minute dispatch. The development of standards and requirements for ETOPS beyond 180-minutes that will be addressed by the ARAC Work Group may define other communication requirements and standards of operability for future approvals.

9. An Industry/Government ETOPS Working Group Should Be Formed to Review 207-Minute Operations

ALPA suggests that an Industry/Government ETOPS group be formed for the purpose of ensuring that airlines comply with the intent of the ATA 207-minute ETOPS proposal. They suggest that the group should meet on a regular basis to review operational information regarding all ETOPS operations, particularly those operations where 207-minute authority was exercised. Airbus expresses concern with the current state of FAA monitoring of ETOPS operations, citing that the FAA relies on the industry to be alerted to trends that threaten the safety of ETOPS operations. Airbus suggests that the review of 207-minute data contained in the ATA 207-minute proposal should be more specific in delineating precisely what will be reviewed and the control limits for each review item.

FAA Response

The FAA intends to monitor the frequency of use of a 207-minute dispatch and the terms of its application by airlines that have been granted the authority to exercise the 15 percent extension. Airlines will be required to record and document necessary information that substantiates the use of the 207-minute dispatch for each flight that it is applied. The airline will retain copies of these records for at least three months, and make them available to the FAA upon request (OMB control No. 2120–0008). The data will be reviewed and collected by the airline's FAA Certificate Holding District Office (CHDO). The CHDO will provide usage reports for their assigned airlines on a monthly basis to the FAA Flight Standards Air Transportation Division, AFS–200, so that a comparative review and analysis can be conducted. Results of the review can then be made available to the public, with all proprietary data removed or de-identified. Operators should note that the regular monthly reports specified in the ATA proposal are *not* being required by the FAA at this time.

The FAA disagrees with the Airbus comment that there is insufficient ongoing surveillance by the Flight Standards organization on monitoring compliance with ETOPS operations and maintenance requirements. The FAA constantly monitors the application of ETOPS requirements, and the airlines performance to maintain acceptable standards. Other FAA organizations are tasked specifically to track and respond to trends that may indicate areas of concern of a specific ETOPS operator, or global trends that may affect the entire industry. The FAA does rely on the collation and reporting of ETOPS related data by industry sources. The FAA maintains oversight of the data, and conducts continuous analysis to detect any adverse trends.

10. Extended Range Operations for ''All Cargo'' Airplanes Are Not Safe and Should Not Be Allowed

The Independent Pilots Association (IPA) opposes the ATA 207-minute proposal because cargo aircraft are not equipped with fire suppression systems. IPA states that ''extended range operations for all-cargo aircraft are not safe and should not be allowed by FAA''.

FAA Response

Class E cargo compartments apply only to airplanes used solely for the carriage of cargo and are not restricted or pertinent to the number of engines installed on the airplane. Class E requirements are contained in 14 CFR Part 25, and those requirements do not specify a fire suppression system. The issue is therefore not related to ETOPS, or to an extension to 207-minutes that may apply to the B–777 airplane. Three and 4 engine all-cargo airplanes with Class E cargo compartments are not limited to routes based on time or distance limits from alternate airports. Two-engine airplanes are restricted to a maximum diversion time, including all-cargo airplanes that are operating with an ETOPS approval. AC 120–42A, paragraph 8(c)(6) requires that the design of the cargo compartment fire protection system integrity and reliability should be suitable for the intended operation considering fire detection sensors, liner material, etc. It also addresses fire protection system capability, if necessary by the certification standards. As already stated, the Class E requirements do not require a fire suppression system. For additional information regarding the distinction between cargo compartments in all-cargo airplanes and those in passenger-carrying airplanes, see the publication of the FAA's final rule on

Revised Standards for Cargo or Baggage Compartments in Transport Category Airplanes (63 FR 8040–41; February 17, 1998).

An appropriate forum for further discussion of Class E cargo compartments would be with the proposed ARAC Working Group that will be tasked to review the requirements for all extended range operations, regardless of the type of operation.

Announcement of FAA Decision

The FAA has determined that it would be premature to extend the ETOPS threshold to 207 minutes without specifying limits on its application and use. The FAA agrees that measurable standards must be developed and harmonized, in order to adopt an extended diversion threshold across the board. One of the tasks the FAA intends to includes in the ARAC ETOPS initiative is for the ARAC to develop the standards for airplane ETOPS type design approval as well as operational requirements and procedures for ETOPS beyond 180 minutes. The FAA also agrees that these standards should be developed jointly for global application, and adopted as an ICAO standard and recommended practice.

As mentioned previously, the FAA has reviewed a study prepared by United Airlines Dispatch Center that looked at meteorological forecast and actual weather data at airports that meet ''adequate'' criteria for enroute alternates in the North Pacific. The study shows that a 207-minute ETOPS dispatch would mostly benefit Eastbound operations from Japan to the United States because those departures generally occur at night. The conclusions drawn from the study are: The use of a 207-minute dispatch would be infrequent; the flight could be dispatched on preferred ATC routes; and, the resulting route would place the airplane closer to more enroute alternates that after flight departure would meet ''suitable'' criteria. The FAA recognizes the merits and potential safety benefit of such conditions.

The FAA also recognizes that ETOPS operations in the North Pacific (NOPAC) present certain operational difficulties that are minimized with airplanes that incorporate the latest technology and systems design to specifically meet ETOPS needs. An airplane such as the B–777 fits this category.

The B–777 was designed from the beginning as a 180-minute ETOPS capable airplane. Instead of meeting the minimum service experience requirements defined by FAA Advisory Circular 120–42A, the B–777 ETOPS type design suitability was based on Early ETOPS special condition requirements for proof of reliability. This was the main reason for Boeing to develop an improved design. The B–777 design has systems redundancy to meet reliability goals with consideration of Minimum Equipment List (MEL) restrictions for 180-minute ETOPS. For example, the electrical system has a main and back-up generator on each engine, an APU generator, a Ram Air Turbine (RAT) generator, a main battery, and an APU battery. The fuel system design provides for a fuel boost pump in each main tank to be powered by a back-up electrical source, making the need for fuel suction feed an unlikely event. Boeing conducted a B–777 systems reliability analysis and Numerical Probability Analysis to assess the suitability of the B–777 airplane to a higher diversion limit The analysis indicates the B–777 airplane design and reliability capability is well in excess of the proposed extension to 207-minutes. Today there are over 200 B–777's in service around the world. The fleet has accumulated more than two million engine hours with a combined rolling average in-flight shutdown rate of .007/1000 engine hours. That is almost one third of the maximum allowed shutdown rate for 180 minutes ETOPS operation.

The ATA 207-minute proposal contained nine items to be applied to the review of the proposed airframe-engine combination to determine if there were any factors that would affect safe conduct of 207-minute operations. The B–777 has been proposed as satisfactorily meeting the condition of all the listed items in the Approval Basis section. The FAA considers these additional type design and systems' operational requirements to provide conservatism in reliability performance and diversion capability for 207 minute ETOPS operation. In addition to MEL restrictions for 180-minute operations, the ATA proposal also included four additional system and equipment requirements that must be operational prior to dispatch for 207-minute ETOPS. The items are: Fuel Quantity Indicating System (FQIS), Auxiliary Power Unit (APU) that included the electrical and pneumatic supply to its design capability, the Autothrottle system, and SATCOM voice and/or SATCOM datalink.

The FAA has accepted the ATA proposal as providing an equivalent level of safety for ETOPS operations up to 207 minutes in the North Pacific. The FAA may approve a special ETOPS operational authorization that will allow limited application of a diversion limit of 207-minutes flying time at the approved one-engine inoperative cruise speed (under standard conditions in still air). This will be a narrow focused authorization based on specific eligibility and qualification criteria, fixed geographical area of operation, specific equipment, limited application, and recording requirements and the additional criteria contained in the ATA proposal. Presently, the FAA has enough information on the B–777 series with all engine configurations as listed on the Type Certification Data Sheet T00001SE, to tentatively find that it is the only model that currently meets the additional criteria contained in the ATA proposal and that the FAA has adopted. A final finding may be issued after the Boeing Company submits substantiation data for each of the type design criteria items listed in paragraph 7 of the proposal's ''Approval Basis'' section and the updated Numerical Probability Analysis (NPA) to the FAA Transport Airplane Directorate for evaluation. If the FAA's evaluation is favorable the ''finding of suitability'' to the additional criteria for 207-minute ETOPS can be made. The FAA will task the Flight Operations Evaluation Board (FOEB) to begin the process to amend the B–777 MMEL to require operational status for dispatch of the airplane for operations beyond 180-minutes to the four items mentioned above (FQIS, APU, Autothrottle system, and SATCOM). Air carriers approved to use the special 207-minute authorization must amend their MEL and receive FAA approval of the amendment, prior to exercising the special authorization.

Application for the special authorization will only be considered from air carriers that currently hold 180-minute ETOPS operational approval. The authorization will only apply and be valid for use in the North Pacific area of operation. The special authorization can only be applied to a route where adequate enroute alternate airports exist and are available that, if defined as 'suitable' for dispatch as per paragraph 10(d)(5) of AC 120–42A, the route would be flown at 180-minute ETOPS authority. When applying the 207-minute dispatch, consideration must also be given to those ''adequate'' airports within 180-minutes of the proposed airplane routing to have a weather forecast that gives probability of having operational approach minima (minima necessary to execute an instrument approach) during the expected times of arrival. The window of arrival to be considered for these ''adequate'' airports is that period from

the earliest planned arrival time to the latest planned arrival time, for the anticipated airplane routing. This increases the possibility on a 207-minute ETOPS dispatch that the flight crew when faced with the need to initiate an in-flight diversion, could be closer to a suitable alternate airport in Russia, the Aleutians, or elsewhere in Alaska than compared to an off-track route (more Southerly route) that was based on a 180-minute ETOPS dispatch. All other ETOPS planning requirements specified in AC 120–42A continue to apply to the 207-minute ETOPS dispatch.

The air carrier will record the dispatch considerations when applying this special authorization for each use, and retain such records for review by the FAA for at least three months.

In the April 27, 1999 **Federal Register** notice, the FAA stated that it did not endorse the ATA proposal, per se. The April 27 notice outlined, in great detail, the issues involved in determining whether an appropriate level of safety could be established for 207-minute dispatch ETOPS. Public comments were also in great detail, and reflected that the commenters appreciated all of the issues. After careful review of the proposal and comments received, the FAA has decided to proceed with a policy to allow the limited 207-minute dispatch authorization described in this notice.

Summary

The FAA supports a collaborative effort to produce policy and rules that incorporate the best information available from operators, manufacturers, and others who may be affected. The FAA also supports the rulemaking process that assures that the issues are thoroughly examined in a public forum. The FAA does not believe, though, that approval of a limited 207-minute North Pacific ETOPS operation must await further ETOPS rulemaking.

The FAA recognizes the potential safety benefit that is provided with an extension to 180-minute ETOPS as it applies to operations in the North Pacific. The equipment and dispatch requirements that are specified in this limited 207-minute diversion authority are more conservative than those required for 180-minutes. The B–777 systems design and demonstrated service reliability indicate that the airplane can meet these requirements, and the FAA will evaluate Boeing's data and the updated Numerical Probability Analysis to make its finding of suitability for 207-minute ETOPS. In order for airlines to exercise the 207-minute ETOPS authority, additional Minimum Equipment List (MEL) requirements will apply, as well as dispatch planning to consider the availability of other enroute airports along the proposed route that do not meet alternate weather criteria at time of dispatch. This is intended to limit the frequency of a 207-minute use, and to provide an equivalent level of safety for those flights that are dispatched with a 207-minute diversion limit. The FAA will closely monitor the application of these requirements by airlines that have received approval to use the limited 207-minute ETOPS.

Intent To Task ARAC

The FAA intends to initiate ETOPS rulemaking through the ARAC process by separate notice in the near future. The ARAC ETOPS Working Group would be tasked to provide their recommendation to the FAA for:

- Codification of existing ETOPS standards and requirements in the appropriate certification and operational regulations
- Development of objective standards and requirements for ETOPS beyond 180-minutes, for codification in appropriate certification and operational regulations, and
- Review the requirements for ETOPS and all other extended range operations for all airplanes regardless of the number of engines, and provide recommendations to standardize the requirements for such operations.

The FAA will draw from the working group recommendations to subsequently issue ETOPS and for long range operations regulations through the rulemaking process. It is desirable to have international regulatory, manufacturer, and operator participation in the ARAC ETOPS Working Group to provide harmonized positions that may be a basis for international ETOPS standards.

Issued in Washington, DC on January 18, 2000.

Thomas E. McSweeny,

Associate Administrator for Regulations and Certification.

[FR Doc. 00–1505 Filed 1–18–00 3:17 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application to impose and use a Passenger Facility Charge (PFC) at Sacramento International Airport, Sacramento, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comments on the application to impose and use a PFC at Sacramento International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before February 22, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261, or San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. G. Hardy Acree, Director of Airports, county of Sacramento, at the following address: 6900 Airport Boulevard, Sacramento, CA 95837–1109. Air carriers and foreign air carriers may submit copies of written comments previously provided to the county of Sacramento under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Marlys Vandervelde, Airports Program Analyst, San Francisco Airports District Office, 831 Mitten Road, Room 210, Burlingame, CA 94010–1303, Telephone: (650) 876–2806. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Sacramento International Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Pub. L. 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR part 158).

On December 28, 1999, the FAA determined that the application to impose and use a PFC submitted by the county of Sacramento was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than March 31, 2000.

The following is a brief overview of the impose and use application No. 00–06–C–00–SMF:

Level of proposed PFC: $3.00.

Proposed charge effective date: August 1, 2006.

Proposed charge expiration date: November 1, 2013.

Total estimated PFC revenue: $115,700,000.

Brief description of the proposed project: Terminal A Construction Including Ticketing, Baggage Claim, 12 Aircraft Gates and Associated Building Infrastructure.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: None.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Division located at: Federal Aviation Administration, Airports Division, 15000 Aviation Blvd., Lawndale, CA 90261. In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the country of Sacramento.

Issued in Hawthorne, California, on January 4, 2000.

Herman C. Bliss,

Manager, Airports Division, Western-Pacific Region.

[FR Doc. 00–1484 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Glacier County, Montana

AGENCY: Federal Highway Administration, (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA hereby gives notice that it intends to prepare an environmental impact statement (EIS) for a corridor study to evaluate development of a highway between Browning, Montana and the Hudson Divide in Glacier County, Montana. Access to the area is currently provided by US 89 and the study will evaluate improvements to the existing highway and all practicable alignment alternatives.

FOR FURTHER INFORMATION CONTACT: Dale Paulson, Program Development Engineer, Federal Highway Administration, 2880 Skyway Drive, Helena, MT 59602; Telephone: (406) 449–5303 ext. 239; or Joel M. Marshik, Manager, Environmental Services and Tribal Liaison, Montana Department of Transportation, 2701 Prospect Avenue, Helena, Montana 59602; Telephone: (4060 444–7632.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document may be downloaded using a 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.*

Background

The FHWA, in cooperation with the Montana Department of Transportation (MDT), will prepare an EIS to acquire land, design, and construct a new or improved US 89 between Browning, Montana and the Hudson Bay Divide. The EIS will examine the short and long-term impacts on the natural and physical environment. The impact assessment will include, but not be limited to, impacts on wetlands, wildlife, and fisheries; social environment; changes in land use; aesthetics; changes in traffic; and economic impacts. Environmental Justice (as outlined in Executed Order 12898) will also be addressed as part of the impact assessment. The EIS will also examine measures to mitigate significant adverse impacts resulting from the proposed action.

Comments are being solicited from appropriate Federal, State, and local agencies and from private organizations and citizens who have interest in this proposal. Public information meetings will be held in the project area to discuss the potential alignments. The draft EIS will be available for public and agency review; and a public hearing will be held to receive comments. Public notice will be given of the time and place of all meetings and hearings.

Comments and/or suggestions from all interested parties are requested, to ensure that the full range of all issues, and significant environmental issues in particular, are identified and reviewed. Comments or questions concerning this proposed action and/or its EIS should be directed to the FHWA or the MDT at the addresses listed previously.

(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 proposed action)

Authority: 23 U.S.C. 315; 49 CFR 1.48.

Issued on: January 11, 2000.

Dale Paulson,

Program Development Engineer, FHWA.

[FR Doc. 1435 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with Part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance with certain requirements of its safety standards. The individual petition is described below, including the party seeking relief, the regulatory provisions involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

Canadian Pacific Railway

(Waiver Petition Docket Number FRA–1999–6639)

Canadian Pacific Railway (CPR) is seeking a permanent waiver of compliance with the Railroad Freight Car Safety Standards, 49 CFR 215.3(c)(3) and 215.305. Section 215.3(c)(3) excludes maintenance of way equipment from compliance with Section 215 when it is not used in revenue service and is stenciled in accordance with § 215.305 of this part. Title 49 CFR 215.305 requires that maintenance of way equipment be stenciled with the letters ''MW'' in clearly legible print at least 2 inches in height on each side of the car. CPR states that § 19.1 of the Canadian rules excludes maintenance of way equipment when stenciled with the letters ''RSE.''

CPR and its subsidiaries, Delaware and Hudson and Soo Line, request a permanent waiver to allow CPR marked service equipment to be excluded from the requirements of Part 215.

CPR claims that this request is issued to harmonize the enforcement differences in these regulations, as contemplated by the NAFTA Trade Agreement, and they further claim that stenciling these cars to comply with FRA requirements would present an undue financial burden and impede transportation opportunities between the respective countries.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since

the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 1999–6639) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, S.W., Washington, D.C. 20590. Communications received within 45 days of the date of this notice will be considered by FRA before final action is taken. Comments received after that date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.—5 p.m.) at the above facility. All documents in the public docket are also available for inspection and copying on the Internet at the docket facility's web site at *http://dms.dot.gov.*

Issued in Washington, DC on January 18, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–1499 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–1999–6252]

CSX Transportation, Inc.; Public Hearing

On November 1, 1999, the Federal Railroad Administration (FRA) published a notice in the **Federal Register** announcing CSX Transportation, Inc.'s (CSXT) request to obtain a temporary waiver of compliance from certain provisions of the Railroad Locomotive Safety Standards, Title 49, Code of Federal Regulations (CFR), Part 229. Specifically, CSXT requests relief from the requirements of 49 CFR 229.27(a)(2), Annual tests, and 49 CFR 229.29(a), Biennial tests, as solely applicable to all present and future installations of the New York Air Brake Corporation's Computer Controlled Brake (CCB) Systems on CSXT locomotives. CSXT is making this request so they can begin the implementation of a Test Plan to prove the new technology incorporated in this brake system is more reliable and safer in the rail transportation industry with the intent of relying on the CCB computer diagnostics to identify defective components and repair as required. The petitioner seeks to move toward a performance-based COTS criterion.

As a result of comments received by FRA concerning this waiver petition, FRA has determined that a public hearing is necessary before a final decision is made on this petition. Accordingly, a public hearing is hereby set for 9:00 a.m. on Wednesday, February 23, 2000, in Conference Room One, Seventh Floor, at 1120 Vermont Avenue, NW, Washington, DC 20005. Interested parties are invited to present oral statements at this hearing. The hearing will be informal and will be conducted in accordance with Rule 25 of the FRA Rules of Practice (49 CFR 211.25) by a representative designated by FRA. The FRA representative will make an opening statement outlining the scope of the hearing, as well as any additional procedures for the conduct of the hearing. The hearing will be a non-adversarial proceeding in which all interested parties will be given the opportunity to express their views regarding this waiver petition without cross-examination. After all initial statements have been completed, those persons wishing to make a brief rebuttal will be given an opportunity to do so in the same order in which initial statements were made.

Issued in Washington, DC on January 18, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–1500 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

Petition for Waiver of Compliance

In accordance with part 211 of Title 49 Code of Federal Regulations (CFR), notice is hereby given that the Federal Railroad Administration (FRA) received a request for a waiver of compliance from certain requirements of its safety standards. The individual petition is described below including, the party seeking relief, the regulatory provision involved, the nature of the relief being requested, and the petitioner's arguments in favor of relief.

RailRunner, Manufacturer of "IRV®" Intermodal Rail Vehicle

(Waiver Petition Docket Number FRA-1999-6416)

RailRunner is seeking a permanent waiver of compliance with the *Railroad Safety Appliance Standards*, 49 CFR 231.1(a)(3)(I); § 231.1(a)(3)(ii) which specifies the operation and location of the hand brake shaft; § 231.1 (b) through (j) which specifies the location, dimension and manner of application of brake steps, sill steps, end ladder clearance, roof handholds, side handholds, horizontal handholds and vertical handholds; and *Railroad Freight Car Safety Standards*, 49 CFR part 215, Appendix A (I) (4) which restrict the use of an "I" section compression or tension member on truck side frame, for RailRunner Intermediate Rail Vehicle equipment.

The RailRunner car-less intermodal system consists of modified semi-trailers, or container chassis, interconnected by special purpose rail bogies. Trailers are fitted with receivers at each end to allow mating with the bogies. The trailers are also fitted with air lines to provide air for brakes and air springs.

The bogie is a fabricated radial truck with air springs. The air springs are used to lift the trailers to proper height above the rail, and they also act as the secondary suspension. Shear pads provide lateral and longitudinal suspension stiffness. The bogie uses conventional 33-inch wheel sets and truck mounted brakes. Each bogie is fitted with an ABDX control valve and a lever-type hand brake.

The trailers rest on the upper frame of the bogie, which carries the vertical load. In-train longitudinal forces are transmitted through a continuous drawbar between the trailers. The drawbar is connected to each trailer through a 3-inch diameter pin.

The front and rear of the train are fitted with a transition bogie. This bogie has an identical lower frame and suspension arrangement to the intermediate bogie. The upper frame is basically a conventional railcar center sill and draft sill. The draft sill holds a top and bottom shelf coupler with an M-901E draft gear. The sill also supports a crossover platform. The transition bogie allows the RailRunner train to be coupled to a locomotive or other standard railcars.

A RailRunner bogie has two lower frames, one over each axle and one upper frame. The lower frames are linked at the center of the bogie to allow frames and axles to align radial in a curve. The upper frame serves two

functions. Its primary function is to distribute the weight of two trailer ends to the lower frame via the suspension system. The second function of the upper frame is to lift the trailer to operating height. This is accomplished in two steps. First, the upper frame is shaped like a ramp. When a trailer is backed up the ramp it is raised high enough for the rubber tires to clear the ground. This removes the friction between the rubber tires and the ground, allowing the air springs, which raises the trailer further.

There is a parallel arrangement for air springs and coil springs. When the bogie is in the lowered position, with the air bags deflated, the coil springs fit inside the upper frame. When the bogie is in the ''run'' position, with air bags inflated, a plate is rotated into position covering the coil springs hole in the upper frame. At this point, if the air springs inadvertently deflated, the upper frame rests on the coil springs.

The 6X11 roller bearings are rated for a total bogie weight-on-rail of 110,000 pounds (70-ton railcar).

The petitioner states that the RailRunner System passed all Chapter XI tests at the Transportation Technology Center Inc., (TTCI).

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested party desires an opportunity for oral comment, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number (e.g., Waiver Petition Docket Number 1999–6416) and must be submitted to the Docket Clerk, DOT Docket Management Facility, Room PL–401 (Plaza Level), 400 7th Street, SW, Washington, DC 20590. Communications received within 45 days of the date will be considered as far as practicable. All written communications concerning these proceedings are available for examination during regular business hours (9 a.m.–5 p.m.) at the above facility. All document in the public docket are also available for inspection and copying on the Internet at the docket facility's web site *http://dms.dot.gov.*

Issued in Washington, D.C. on January 18, 2000.

Grady C. Cothen, Jr.,

Deputy Associate Administrator for Safety Standards and Program Development.

[FR Doc. 00–1498 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. MC–F–20960]

Stagecoach Holdings PLC and Coach USA, Inc., et al.,— Control— American Coach Lines, Inc.

AGENCY: Surface Transportation Board.

ACTION: Notice Tentatively Approving Finance Transaction.

SUMMARY: Stagecoach Holdings PLC (Stagecoach) and its subsidiary, Coach USA, Inc. (Coach), noncarriers, and various subsidiaries of each (collectively, applicants), filed an application under 49 U.S.C. 14303 to acquire control of American Coach Lines, Inc. (ACL), a motor passenger carrier. Persons wishing to oppose this application must follow the rules under 49 CFR part 1182.5 and 1182.8. The Board has tentatively approved the transaction, and, if no opposing comments are timely filed, this notice will be the final Board action.

DATES: Comments must be filed by March 6, 2000. Applicants may file a reply by March 21, 2000. If no comments are filed by March 6, 2000, this notice is effective on that date.

ADDRESSES: Send an original and 10 copies of any comments referring to STB Docket No. MC–F–20960 to: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423–0001. In addition, send one copy of any comments to applicant's representative: Betty Jo Christian, Steptoe & Johnson LLP, 1330 Connecticut Avenue, NW, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar (202) 565–1600. [TDD for the hearing impaired: 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: Stagecoach is a public limited corporation organized under the laws of Scotland. With operations in eight countries, Stagecoach is one of the world's largest providers of passenger transportation services. Stagecoach had annual revenues for the fiscal year ending April 30, 1999, of $2.475 billion. Coach is a Delaware corporation that currently controls 83 motor passenger carriers.

Stagecoach and its subsidiaries currently control Coach [1], its noncarrier regional management subsidiaries, and the motor passenger carriers jointly controlled by Coach and the management subsidiaries.[2] In previous Board decisions, Coach management subsidiaries, including Coach USA Southeast, Inc., have obtained authority to control motor passenger carriers jointly with Coach.[3]

Applicants state that Coach purchased all of the outstanding stock of ACL in November 1999 and simultaneously placed that stock into an independent voting trust.[4]

According to applicants, the transaction did not involve any transfer of the federal or state operating authorities held by ACL and will not entail any change in that carrier's operations.

Applicants have submitted information, as required by 49 CFR 1182.2(a)(7), to demonstrate that the proposed acquisition of control is consistent with the public interest under 49 U.S.C. 14303(b) Applicants state that the proposed transaction will not reduce competitive options, adversely impact fixed charges, or adversely impact the interests of the employees of ACL. In addition, applicants have submitted all of the other statements and certifications required by 49 CFR 1182.2. Additional information, including a copy of the application, may be obtained from the applicants' representative.

Under 49 U.S.C. 14303(b), we must approve and authorize a transaction we find consistent with the public interest, taking into consideration at least: (1) the effect of the transaction on the adequacy of transportation to the public; (2) the total fixed charges that result; and (3) the interest of affected carrier employees.

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[1] Stagecoach controls Coach through various subsidiaries, namely, SUS 1 Limited, SUS 2 Limited, Stagecoach General Partnership, and SCH US Holdings Corp.

[2] *See Stagecoach Holdings PLC—Control—Coach USA, Inc., et al.,* STB Docket No. MC–F–20948 (STB served July 22, 1999).

[3] *See Coach USA, Inc. and Coach USA North Central, Inc.—Control—Nine Motor Carriers of Passengers,* STB Docket No. MC–F–20931, *et al.* (STB served July 14, 1999).

[4] ACL is a Georgia corporation. It holds federally-issued operating authority in Docket No. MC–141589, authorizing it to provide charter and special services between points in the United States, as well as various regular route services between the Atlanta area and points in Georgia, North Carolina and Alabama. ACL operates a fleet of approximately 70 buses and employs approximately 120 persons. Its revenues for the 12-month period ending September 30, 1999, were approximately $8.8 million.

On the basis of the application, we find that the proposed acquisition of control is consistent with the public interest and should be authorized. If any opposing comments are timely filed, this finding will be deemed vacated and, unless a final decision can be made on the record as developed, a procedural schedule will be adopted to reconsider the application. See 49 CFR 1182.6(c). If no opposing comments are filed by the expiration of the comment period, this decision will take effect automatically and will be the final Board action.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.''

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The proposed acquisition of control is approved and authorized, subject to the filing of opposing comments.

2. If timely opposing comments are filed, the findings made in this decision will be deemed as having been vacated.

3. This decision will be effective on March 6, 2000, unless timely opposing comments are filed.

4. A copy of this notice will be served on: (1) the U.S. Department of Transportation, Office of Motor Carrier Safety '' HMCE–20, 400 Virginia Avenue, SW, Suite 600, Washington, DC 20024; (2) the U.S. Department of Justice, Antitrust Division, 10th Street & Pennsylvania Avenue, NW, Washington, DC 20530; and (3) the U.S. Department of Transportation, Office of the General Counsel, 400 7th Street, SW, Washington, DC 20590.

Decided: January 14, 2000.

By the Board, Chairman Morgan, Vice Chairman Burkes and Commissioner Clyburn.

Vernon A. Williams,

Secretary.

[FR Doc. 00–1585 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–00–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket No. BTS–99–6368]

OMB Review of Agency Information Collection Activity; Motor Carrier Report Form MP–1

AGENCY: Bureau of Transportation Statistics, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this notice announces that the Bureau of Transportation Statistics (BTS) has submitted the following data collection to the Office of Management and Budget (OMB) for review and approval: Motor Carrier Quarterly and Annual Report Form MP–1. This report form provides financial and operation data about large motor carriers of passengers. BTS published a **Federal Register** notice asking for public comment on this data collection October 19, 1999 (64 FR 56385). BTS received one comment in response to that notice.

DATES: You must submit comments by February 22, 2000.

ADDRESSES: Please send comments to both (1) the Office of Information and Regulatory Affairs (OIRA), OMB, 725 17th Street, NW., Washington, DC 20503, attention: DOT Desk Officer; and (2) the Docket Clerk, Docket No. BTS–99–6368, Department of Transportation, 400 Seventh Street, SW., Room PL–401, Washington, DC 20590. Comments must include the OMB control number, 2139–0003.

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. This website can also be used to read comments received.

FOR FURTHER INFORMATION CONTACT: David Mednick, K–2, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590; (202) 366–8871; fax: (202) 366–3640; e-mail: david.mednick@bts.gov. Please refer to OMB Control No. 2139–0003 in any correspondence.

SUPPLEMENTAL 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 regarding any aspect of this information collection, including, but not limited to: (1) the necessity and utility of the information collection for the proper performance of the functions of the Bureau of Transportation Statistics; (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, including the use of automated collection techniques or other forms of information technology.

Rolf R. Schmitt,

Associate Director.

[FR Doc. 00–1469 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Brewer's Report of Operations.

DATES: Written comments should be received on or before March 21, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Marjorie Ruhf, Regulations Division, 650 Massachusetts Avenue, NW., Washington, DC 20226 (202) 927–8202.

SUPPLEMENTARY INFORMATION:

Title: Brewer's Report of Operations.

OMB Number: 1512–0052.

Form Number: ATF F 5130.9.

Abstract: ATF F 5130.9 is a periodic report filed by brewers to account for taxable commodities. For this reason, ATF F 5130.9 is a method to protect tax revenue. The data collected on the form is also summarized by ATF in a statistical release which is used by industry and other government agencies.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit.

Estimated Number of Respondents: 879.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 4,236.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 13, 2000.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 00–1512 Filed 1–20–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Strategic Planning Environmental Assessment Outreach.

DATES: Written comments should be received on or before March 21, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Kay Troester, Strategic Planning Office, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–4934.

SUPPLEMENTARY INFORMATION:

Title: Strategic Planning Environmental Assessment Outreach.

OMB Number: 1512–0553.

Abstract: Under the provisions of the Government Performance and Results Act, Federal agencies are directed to improve their effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction. This act requires that agencies update and revise their strategic plans every three years. The Strategic Planning Office at ATF will use the voluntary outreach information to determine the agency's internal strengths and weaknesses and external opportunities and risks.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Business or other for-profit, not-for-profit institutions, Federal Government, State, Local or Tribal Government.

Estimated Number of Respondents: 1500.

Estimated Time Per Respondent: 18 minutes.

Estimated Total Annual Burden Hours: 450.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 13, 2000.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 00–1513 Filed 1–20–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork ReductionAct of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Federal Firearms Licensee Theft/Loss Report.

DATES: Written comments should be received on or before March 21, 2000, to be assured of consideration.

ADDRESSES: Direct all written comments to Linda Barnes, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW.,Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Janice Fields, Firearms Programs Division, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8052.

SUPPLEMENTARY INFORMATION:

Title: Federal Firearms Licensee Theft/Loss Report.

OMB Number: 1512–0524.

Form Number: ATF F 3310.11.

Abstract: Authorization of this form is requested within 7 days as the Violent Crime Control and Law Enforcement Act requires Federal firearms licensees to report to the Bureau of Alcohol, Tobacco and Firearms and to the appropriate local authorities any theft or loss of a firearm from the licensee's inventory or collection, within a specific time frame after the theft or loss is discovered.

Current Actions: There are no changes to this information collection and it is being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Individuals or households, business or other for-profit.

Estimated Number of Respondents: 4,000.

Estimated Time Per Respondent: 24 minutes.

Estimated Total Annual Burden Hours: 1,600.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: January 13, 2000.

William T. Earle,

Assistant Director (Management).

[FR Doc. 00–1514 Filed 1–20–00; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–28–78]

Agency Information Collection Activity

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, EE–28–78 (TD 7845), Inspection of Applications for Tax Exemption and Applications for Determination Letters for Pension and Other Plans (§§ 301.6104(a)–1, 301.6104(a)–5, 301.6104(a)–6, 301.6104(b)–1, and 301.6104(c)–1).

DATES: Written comments should be received on or before March 21, 2000 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: Inspection of Applications for Tax Exemption and Applications for Determination Letters for Pension and Other Plans.

OMB Number: 1545–0817.

Notice Number: EE–28–78.

Abstract: Internal Revenue Code section 6104 requires applications for tax exempt status, annual reports of private foundations, and certain portions of returns to be open for public inspection. Some information may be withheld from disclosure. The Internal Revenue Service needs the required information to comply with requests for public inspection.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, Federal Government, and state, local or tribal government.

Estimated Number of Respondents: 42,370.

Estimated Time Per Respondent: 12 minutes.

Estimated Total Annual Burden Hours: 8,538.

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: January 12, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1521 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8300

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 8300, Report of Cash Payments Over $10,000 Received in a Trade or Business.

DATES: Written comments should be received on or before March 21, 2000 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 Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Report of Cash Payments Over $10,000 Received in a Trade or Business.

OMB Number: 1545–0892.

Form Number: 8300.

Abstract: Internal Revenue Code section 6050I requires any person in a trade or business who, in the course of the trade or business, receives more than $10,000 in cash or foreign currency in one or more related transactions to report it to the IRS and provide a statement to the payer. Form 8300 is used for this purpose.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms, and the Federal government.

Estimated Number of Respondents: 46,800.

Estimated Time Per Respondent: 1 hr., 22 min.

Estimated Total Annual Burden Hours: 63,539.

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: January 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1522 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 8027 and 8027–T

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 8027, Employer's Annual Information Return of Tip Income and Allocated Tips and Form 8027–T, Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips.

DATES: Written comments should be received on or before March 21, 2000 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employer's Annual Information Return of Tip Income and Allocated Tips (Form 8027) and Transmittal of Employer's Annual Information Return of Tip Income and Allocated Tips (Form 8027–T).

OMB Number: 1545–0714.

Form Number: Forms 8027 and 8027–T.

Abstract: To help IRS in its examinations of returns filed by tipped employees, large food or beverage establishments are required to report annually information concerning food or beverage operations receipts, tips reported by employees, and in certain cases, the employer must allocate tips to

certain employees. Forms 8027 and 8027–T are used for this purpose.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions and state, local or tribal governments.

Estimated Number of Respondents: 52,050.

Estimated Time Per Respondent: 7 hr., 11 min.

Estimated Total Annual Burden Hours: 373,952.

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: January 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1523 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 56

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 56, Notice Concerning Fiduciary Relationship.

DATES: Written comments should be received on or before March 21, 2000 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 Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice Concerning Fiduciary Relationship.

OMB Number: 1545–0013.

Form Number: 56.

Abstract: Form 56 is used to inform the IRS that a person is acting for another person in a fiduciary capacity so that the IRS may mail tax notices to the fiduciary concerning the person for whom he/she is acting. The data is used to ensure that the fiduciary relationship is established or terminated and to mail or discontinue mailing designated tax notices to the fiduciary.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, and individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time per Respondent: 11 hr., 43 min.

Estimated Total Annual Burden Hours: 292,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1524 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5310–A

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 5310–A, Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.

DATES: Written comments should be received on or before March 21, 2000 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 Martha R. Brinson, (202) 622–3869, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Notice of Plan Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business.

OMB Number: 1545–1225.

Form Number: 5310–A.

Abstract: Internal Revenue Code section 6058(b) requires plan administrators to notify IRS of any plan mergers, consolidations, spinoffs, or transfers of plan assets or liabilities to another plan. Code section 414(r) requires employers to notify IRS of separate lines of business for their deferred compensation plans. Form 5310–A is used to make these notifications.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 15,000.

Estimated Time Per Respondent: 9 hr., 31 min.

Estimated Total Annual Burden Hours: 142,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1525 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 97–15

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 Revenue Procedure 97–15, Section 103—Remedial Payment Closing Agreement Program.

DATES: Written comments should be received on or before March 21, 2000 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 revenue procedure should be directed to Faye Bruce, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Section 103—Remedial Payment Closing Agreement Program.

OMB Number: 1545–1528.

Revenue Procedure Number: Revenue Procedure 97–15.

Abstract: This information is required by the Internal Revenue Service to verify compliance with sections 57, 103, 141, 142, 144, 145, and 147 of the Internal Revenue Code of 1986, as applicable (including any corresponding provision, if any, of the Internal Revenue Code of 1954). This information will be used by the Service to enter into a closing agreement with the issuer of certain state or local bonds to establish the closing agreement amount.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal government, and not-for-profit institutions.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 1 hour, 30 minutes.

Estimated Total Annual Burden Hours: 75.

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: January 13, 2000.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 00–1526 Filed 1–20–00; 8:45 am]

BILLING CODE 4830–01–U

TWENTY-FIRST CENTURY WORKFORCE COMMISSION

Notice of Public Information Hearing

AGENCY: Twenty-First Century Workforce Commission

ACTION: Notice of Public Information Hearing.

SUMMARY: This notice is to announce a public information hearing on Wednesday, January 26, 2000. Members of the public are invited to attend the hearing. Several witnesses have been invited by the Commissioners to testify and to address the questions identified by the 'agenda set forth below.

The purpose of the hearing is for Commissioners to learn how California companies, educational institutions, community organizations, and governments are working together so more Californians gain the skill and knowledge necessary to be part of the Information Technology (IT) workforce.

DATES: The Public Information Hearing will be held on Wednesday, January 26, 2000, from 9 am to approximately 3 pm. Registration is from 9 am to 10 a.m. The dates, locations and times for subsequent meetings will be announced in advance in the **Federal Register**.

ADDRESSES: The Hinson Campus Center, Conference Room A and B, at the De Anza Community College is located at 21250 Stevens Creek Blvd., Cupertino, CA 95014. For directions or other information about the Campus Center, call 408–864–5678 and dial ''0'' for an operator. All interested parties are invited to attend this Information Hearing. Seating may be limited and will be available on a first-come, first-serve basis.

FOR FURTHER INFORMATION CONTACT: Mr. Hans Meeder, Executive Director, Twenty-First Century Workforce Commission, 1201 New York Avenue, NW, Suite 700, Washington, DC 20005. (Telephone (202) 289–2939. TTY (202) 289–2977) These are not toll-free numbers. Email: *Workforce21@nab.com.*

SUPPLEMENTARY INFORMATION: Establishment of the Twenty-First Century Workforce Commission was mandated by Subtitle C of Title III of the Workforce Investment Act, sec. 331 of Pub. L. 105–220, 112 Stat. 1087–1091, (29 U.S.C. 2701 note), signed into law on August 7, 1998. The 15 voting member Twenty-First Century Workforce Commission is charged with studying all aspects of the information technology workforce in the United States. Notice is hereby given of the second Public Information Hearing of the Twenty-First Century Workforce Commission.

The Workforce Investment Act (Pub. L. 105–220), signed into law on August 7, 1998, established the Twenty-First Century Workforce Commission. The Commission is charged with carrying out a study of the information technology workforce in the U.S., including the examination of the following issues:

1. What skills are currently required to enter the information technology workforce? What technical skills will be demanded in the near future?

2. How can the United States expand its number of skilled information technology workers?

3. How do information technology education programs in the United States compare with other countries in effectively training information technology workers? (The Commission study should place particular emphasis upon contrasting secondary, non-and-post-baccalaureate degree education programs available within the U.S. and foreign countries.)

The Workforce Investment Act directs the Commission to issue recommendations to the President and Congress within six months. The Commission first met on November 16, 1999, and will issue its recommendations by May 16, 2000.

Agenda

At the Cupertino, California hearing, the Commission working group conducting the hearing will emphasize the following issues: (1) How will information technology advances continue to change California's economy in coming years, and what skills will individuals need to participate in the IT workforce? (2) How are California companies, educational institutions, community organizations, state and local governments partnering to provide educational and training opportunities for individuals who want to enter the IT workforce? (3) What particular barriers face California in building and strengthening the IT workforce, and how are under-represented populations being reached for participation in the IT workforce?

Commission Membership

The Workforce Investment Act mandates that 15 voting members be appointed by the President, Majority Leader of the Senate, and Speaker of the House (5 members each), including 3 educators, 3 state and local government representatives, 8 business representatives and 1 labor representative. The Act also mandates that the President appoint 2 ex-officio members, one each from the Departments of Labor and Education.

The Commissioners are: Chairman Lawrence Perlman, Ceridian Corporation, Minneapolis, MN; Vice Chair, Katherine K. Clark, Landmark Systems Corporation, Reston, VA; Susan Auld, Capitol Strategies, Ltd., Montpelier, VT; Morton Bahr, Communication Workers of America, Washington, DC; Patricia Gallup, PC Communications, Inc., Merrimack, NH; Dr. Bobby Garvin, Mississippi Delta Community College, Moorhead, MS; Susan M. Green (ex officio), U.S. Department of Labor, Washington, DC; Randel Johnson, U.S. Chamber of Commerce, Washington, DC; Roger Knutsen, National Council for Higher Education, Auburn, WA; Patricia McNeil (ex officio), U.S. Department of Education, Washington, DC; The Honorable Mark Morial, Mayor, City of New Orleans, LA; Thomas Murrin, Ph.D., Duquesne University, Pittsburgh, PA; Leo Reynolds, Electronic Systems, Inc., Sioux Falls, SD; The Honorable Frank Riggs, National Homebuilders Institute, Washington, DC; the Honorable Frank Roberts, Mayor, City of Lancaster, California; Kenneth Saxe, Stambaugh-Ness, York PA; David L. Steward, World Wide Technology, Inc., St. Louis, MO; Hans K. Meeder, Executive Director, Washington, DC.

Public Participation

Members of the public are invited to attend this hearing. Several witnesses have been invited to testify by the Commissioners to address the questions identified on the Agenda. In addition, members of the public wishing to present oral statements to the Twenty-First Century Workforce Commission should forward their requests to Mr. Hans Meeder, Executive Director, as soon as possible and at least four days before the meeting. Requests should be made by email, fax machine, or telephone, as shown above.

Time permitting, the Commissioners will attempt to accommodate requests for oral presentations. Each member of the public who is selected to testify will

be allotted a three minute period to present their oral remarks. Members of the public must limit oral statements to three minutes, but extended written statements may be submitted for the record. Members of the public may also submit written statements for distribution to the Commissioners and inclusion in the public record without presenting oral statements. Such written statements should be sent to Mr. Hans Meeder, as shown above, or may be submitted at the hearing site.

The Commission is establishing a web site, *www.workforce21.org,* that will become operational on January 20, 2000. Any written comments regarding documents published on this web site should be directed to Mr. Hans Meeder, as shown above.

Special Accommodations

Reasonable accommodations will be available. Persons needing any special assistance such as sign language interpretation, or other special accommodation, are invited to contact Mr. Hans Meeder, as shown above. Requests for accommodations must be made four days in advance of the hearing.

Due to difficulties of scheduling the members we are unable to provide a full 15-day advance notice of this meeting.

Signed at Washington, DC this 14th day of January 2000.

Hans K. Meeder,

Executive Director, Twenty-First Century Workforce Commission.

[FR Doc. 00–1508 Filed 1–20–00; 8:45am]

BILLING CODE 4510–23–M

Federal Register

Friday,
January 21, 2000

Part II

Department of Transportation

Federal Aviation Administration

14 CFR Parts 21, 27, 29, and 91

Flight Plan Requirements for Helicopter Operational Under Instrument Flight Rules; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 27, 29, and 91

[Docket No. FAA–98–4390; Amendment No. 21–76, 27–39, 29–46, 91–259]

RIN 2120–AG53

Flight Plan Requirements for Helicopter Operations Under Instrument Flight Rules

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is amending instrument flight rules (IFR) for helicopters by revising alternate airport weather planning requirements, weather minima necessary to designate an airport as an alternate on an IFR flight plan, and fuel requirements for helicopter flight into IFR conditions. This action will provide operators with an additional margin of safety by easing access of helicopters to the IFR system, result in a reduction of noise heard on the ground, and increase the ability of operators to use helicopters more efficiently.

EFFECTIVE DATE: January 21, 2000.

FOR FURTHER INFORMATION CONTACT: William H. Wallace, General Aviation Commercial Division (AFS–804), Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 267–3771.

SUPPLEMENTARY INFORMATION:

Availability of Final Rules

An electronic copy of this document may be downloaded using a modem and suitable communications software from the FAA regulations section of the FedWorld electronic bulletin board service (telephone: (703) 321–3339) or the Government Printing Office's (GPO) electronic bulletin board service (telephone: (202) 512–1661).

Internet users may reach the FAA's web page at: http://www.faa.gov/avr/arm/nprm/nprm.htm or the GPO's web page at http://www.access.gpo.gov/nara for access to recently published rulemaking documents.

Any person may obtain a copy of this document by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Communications must identify the amendment number or docket number of this final rule.

Persons interested in being placed on the mailing list for future rulemaking documents should request from the above office a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires the FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official. Internet users can find additional information on SBREFA on the FAA's web page at *http://www.faa.gov/*avr/arm/sbrefa/htm and may send electronic inquiries to the following internet address: *9-AWA-SBREFA@faa.gov.*

Background

The FAA issued a Notice of Proposed Rulemaking (NPRM) (63 FR 46834; Sept. 2, 1998) that proposed to amend the general operating rules for helicopters by revising alternate airport weather planning requirements, weather minima necessary to designate an airport as an alternate on an IFR flight plan, and the fuel requirements for helicopter flight into IFR flight conditions. The NPRM also proposed to withdraw Special Federal Aviation Regulation (SFAR) No. 29–4, Limited IFR Operations of Rotorcraft. The public comment period closed on October 2, 1998.

The FAA later issued a Supplemental Notice of Proposed Rulemaking (SNPRM) (64 FR 35902; July 1, 1999) that sought comments on modifications made to the NPRM in response to commenters' suggestions. The public comment period for the SNPRM closed on August 2, 1999.

Statement of the Problem

Flight planning requirements (including alternate airport weather minima) for helicopters and other aircraft are virtually identical, even though their operating characteristics are substantially different. The only distinction between the flight planning requirements for helicopters and other aircraft is addressed in 14 CFR 91.167, which specifies different requirements for the amount of fuel helicopters and other aircraft must carry after completing a flight to the first airport of intended landing. Helicopters, however, fly shorter distances at slower airspeeds than most other aircraft, and they generally remain in the air for shorter periods between landings. A helicopter is therefore less likely to fly into unanticipated, unknown, or unforecast weather. The relatively short duration of the typical helicopter flight means that the departure weather and the destination weather are likely to be within the same weather system. This final rule revises the flight planning requirements for helicopter IFR operations to take into account their unique operating characteristics.

History

Over the past several years, there have been specific recommendations from industry, and from joint efforts of the FAA and industry regarding regulatory changes to safely expand helicopter access to the IFR system. The FAA has been addressing these recommendations by working with industry to identify regulations that prevent safe helicopter operations in the IFR environment.

Previous Rulemakings

In January 1975, the FAA issued Special Federal Aviation Regulation (SFAR) No. 29 (40 FR 2420; Jan. 13, 1975), which authorized the carriage, in rotorcraft IFR operations, of less than the 45 minutes, but not less than the 30 minutes, of additional fuel reserve, then required by § 91.23 (c) (now § 91.167(a)(3)), when approved by the Administrator. The SFAR also authorized the issuance of approvals for limited IFR operations for certain transport category rotorcraft that are certified to only operate under VFR. In 1979, the FAA undertook the Rotorcraft Regulatory Review Program (44 FR 3250; Jan. 15, 1979), which was a comprehensive review of rotorcraft operations and certification.

In an NPRM issued in 1985 (50 FR 10144; March 13, 1985), the FAA proposed to amend § 91.23 (now § 91.167) by reducing the fuel reserve requirement for helicopters from 45 minutes to 30 minutes. The FAA also proposed to amend the alternate airport IFR flight plan filing requirements by reducing the ceiling minimum for helicopters from 2,000 feet to 1,000 feet, and the visibility minimum for helicopters from 3 miles to 1 mile. No changes were proposed to § 91.83 (now § 91.169). As the FAA stated in the preamble to the 1985 NPRM, the basis for the proposed reductions was that a helicopter has the unique ability to reduce airspeed safely on approach to as low as 40 knots, and is therefore provided reduced visibility minima in part 97. The proposal also said that because the helicopter, with its reduced minima, has a better probability of completing the flight to the planned

destination, it should be allowed a reduced fuel reserve. In the 1985 NPRM, the FAA also stated that it had gained sufficient experience with operations under SFAR No. 29 to conclude that reducing the required fuel reserve would not decrease the level of safety.

In 1986, the FAA issued a final rule (51 FR 40692; Nov. 7, 1986) that adopted the proposal to reduce the fuel reserve required under § 91.23. The FAA did not, however, adopt the proposal to reduce the ceiling and visibility minima because a report entitled ''Weather Deterioration Models Applied to Alternate Airport Criteria (Report No. DOT/FAA/RD 81/92 (September 1981) had stated that ''any reduction in alternate airport requirements should be offset by limiting the duration of the flight for which the reduced requirements apply'' (p. 4–1). The findings in that report, however, were preliminary, and in the years that have passed since it was issued, the FAA's experience with helicopter IFR flight plan filing criteria indicates that the preliminary concern for reduced helicopter ceiling and visibility minima was overemphasized.

U.S. Army Practices

In 1982, the U.S. Army adopted reduced IFR alternate airport weather planning minima and alternate airport selection criteria for both helicopters and airplanes. The Army's criteria of a ceiling 400 feet above the weather planning minimum required for the approach to be flown, and visibility one mile greater than the weather planning minimum required for the approach to be flown has been used for over 17 years and there have been thousands of flight hours with no mishaps associated with these weather planning criteria. The U.S. Army's experience demonstrates that reducing helicopter ceiling and visibility minima for IFR flight planning results in a level of safety equivalent to the current rule and offers greater operational flexibility for helicopter operators.

ELVIRA Workshop

In August 1993, a workshop conducted by the FAA with industry, called the Extremely Low Visibility Instrument Rotorcraft Approaches (ELVIRA) Workshop, resulted in a list of ''Ten Most Wanted'' changes (see ''Extremely Low Visibility IFR Rotorcraft Approach (ELVIRA) Operational Concept Development, Final Report,'' Report No. DOT/FAA/RD–94/1,I. (March 1994)). The unprioritized list of 10 desired IFR system enhancements included ''rotorcraft specific minima'' for determining the need for, and availability of, alternate airports for flight plan filing purposes (ELVIRA final report, p. 3).

Since rotorcraft are for the most part range-limited, their destination airport and alternate airport will most likely be in the same air mass and consequently will have similar weather. In the ELVIRA final report (p. 34), the FAA noted that the current regulations result in a ''severe penalty in the productivity of helicopters operating under IFR.'' In addition, the FAA observed that ''with certain weather conditions it is often impossible for the helicopter operator to gain access to the current IFR system, while VFR flight is allowed. * * * [C]hanging this [the alternate airport minima] to 400–1 for a [helicopter] precision approach and 600–1 for a [helicopter] non-precision approach procedure, will enable many more [helicopter] IFR operations to take place while maintaining the same level of safety'' (pp. 34–35).

Petitions for Exemption

On February 23, 1995, Helicopter Association International (HAI) petitioned the FAA for an exemption from § 91.169 (c)(1)(i), which provides that alternate airport minima for a precision approach are a ceiling of 600 feet and visibility of 2 statute miles. The petition asked the FAA to allow lower alternate airport weather minima for IFR flight planning.

On April 24, 1996, HAI filed an amendment to its petition for exemption from § 91.169 (c)(1)(i), proposing, in part, to limit operations under the requested exemption to those conducted by certain operators named in the amended petition. The stated purpose of this amendment was the further ''accumulation of data to prove the operational safety of the use of such minimums.'' In addition, the FAA has received 13 other petitions requesting amendments to § § 91.169 and 91.167 to allow helicopter operations with reduced alternate weather requirements. (With the issuance of the NPRM published on September 2, 1998, the FAA closed the docket on HAI's petition for exemption, and on the petitions submitted by HAI and others for various amendments to § § 91.169, 91.167 and related regulations.) 0

ARAC Actions

The Aviation Rulemaking Advisory Committee (ARAC) was established by the FAA to provide industry information and expertise during the rulemaking process. In October 1991, an IFR Fuel Reserve Working Group of the ARAC, General Aviation Operations Issues, was assigned the task to ''evaluate the advantages and disadvantages of revising the fuel reserve requirements for flight under instrument flight rules'' (56 FR 51744; Oct. 15, 1991). Later the working group also evaluated: (1) The advantages and disadvantages of revised precision and non-precision instrument approach minima and alternate weather minima, considering the operational capability of the helicopter to decelerate before and during arrival at the Decision Height or Minimum Descent Altitude, including circling approaches; and (2) whether or not this capability reduces risk and the probability of a missed approach and the need to proceed to an alternate and meet the resulting regulatory alternate fuel requirement. The working group, which consisted of representatives from helicopter associations, helicopter manufacturers, helicopter pilot associations, helicopter operators, and government agencies, met numerous times between January 1992 and October 1997. As a result, ARAC submitted its recommendation to the FAA in November 1997. The FAA based the NPRM, published on September 2, 1998, and the SNPRM, published on July 1, 1999, on that ARAC recommendation.

ARAC recommended that the FAA revise the weather minima used to determine whether carriage of additional fuel to reach an alternate airport is needed when flying in IFR conditions. Specifically, ARAC suggested revising paragraph (b)(2) of § 91.167—*Fuel requirements for flight in IFR conditions,* to state that: ''* * * weather reports or prevailing weather forecast or combination of them indicate * * * for helicopters, at the estimated time of arrival, the ceiling will be 1,000 feet above the airport elevation or 400 feet above the lowest approach minima, whichever is higher; and * * * at the estimated time of arrival, the visibility will be at least 2 statute miles.'' The ARAC's suggested revisions would create different ceiling and visibility criteria for helicopters (as opposed to those for other aircraft), and would also change the requirement that those ceiling and visibility criteria be in effect for at least 1 hour before and 1 hour after the estimated time of arrival.

ARAC also recommended that IFR flight plan requirements for helicopters be amended by revising the alternate airport weather planning requirements and weather minima necessary when designating an alternate airport on an IFR flight plan. ARAC suggested that the FAA revise paragraph (b) of § 91.169—*IFR flight plan: Information required,* to state that the provisions of paragraph

(a)(2) of that section would not apply if 14 CFR part 97 prescribes '' * * * a standard instrument approach procedure for the first airport of intended landing and the weather reports or prevailing weather forecast or combination of them indicate * * * for helicopters, at the estimated time of arrival, the ceiling will be at least 1,000 feet above the airport or heliport elevation or 400 feet above the lowest approach minima, whichever is higher; and * * * at the estimated time of arrival, the visibility will be at least 2 statute miles.''

Under § 91.169 (c), ARAC again suggested creating IFR alternate weather minima for helicopters performing precision and nonprecision approaches that would be different from those applicable to other aircraft. The new criteria would apply when it would be necessary to include an alternate airport in an IFR flight plan. Ceiling and visibility conditions at the alternate airport would be for ''current prevailing weather forecasts * * * at the estimated time of arrival'' (when no instrument approach procedure has been specified in 14 CFR part 97 for an alternate airport). The helicopter minima recommended by ARAC were as follows: For a ''precision approach procedure * * * for helicopters, [c]eiling 400 feet and visibility 1 statute mile;'' and for a ''nonprecision approach procedure * * * for helicopters, [c]eiling 600 feet and visibility 1 statute mile.''

The FAA agreed with most of ARAC's recommendations, except the elimination of the requirement under § § 91.167 (b)(2) and 91.169 (b) that weather report and forecast data be in effect for 1 hour after the estimated time of arrival.

Discussion of Comments to the Original NPRM

General

The public comment period on the FAA's September 2, 1998 NPRM closed on October 2, 1998. Thirty-nine comments were received, all of which were generally supportive of the proposal. Commenters praised the NPRM for its potential to enhance safety by facilitating the expansion of helicopter operations under IFR in marginal weather conditions, thereby reducing weather-related accidents. Commenters also stated that adoption of the rule would enable operators to better utilize their IFR-equipped helicopters, transport clients more efficiently, and reduce noise on the ground. Seven commenters however stated that certain technical issues were not adequately addressed by the FAA in the proposal. These concerns are addressed in detail in the following discussion. In addition, since the FAA's economic analysis did not anticipate any cost of compliance or need for additional equipment or training, comments on both the quantitative and qualitative benefits of the proposal were favorable also.

Removal of SFAR No. 29–4

A number of commenters addressed the proposed removal of SFAR No. 29–4, Limited IFR Operations of Rotorcraft. One commenter stated that in the past, his company used the provisions of the SFAR to ''prove IFR capabilities in a then non-IFR certified helicopter,'' and the company ''does not want to lose this capability.'' Two other commenters stated that the FAA should retain the provisions of the SFAR for a period of time (for either a year or a ''reasonable time'') after the other provisions of the NPRM are implemented as a final rule. The commenters believed that this course of action would have enabled the FAA and industry to determine whether the SFAR was needed or had outlived its usefulness. After that time, the FAA could better evaluate its removal. The FAA does not believe retaining the SFAR is necessary and is therefore removing it.

The SFAR was originally adopted to permit the FAA to collect operational data to study the feasibility of limited rotorcraft operations in IFR conditions. Since the adoption of the SFAR, the FAA has addressed the issue of helicopter IFR operations and issued regulations that govern both the certification and operation of helicopters under IFR. These regulations are found in Appendix B—Airworthiness Criteria for Helicopter Instrument Flight, contained in both 14 CFR parts 27 and 29. Operational regulations permitting helicopters to engage in IFR operations are found in 14 CFR parts 91 and 135.

Paragraph 5 of SFAR 29–4 states that ''new applications for limited IFR rotorcraft operations under SFAR No. 29 may be submitted for approval until, but not including the effective date of Amendment No. 1 of the Rotorcraft Regulatory Review Program. On and after the effective date of Amendment No. 1, all applicants for certification of IFR rotorcraft operations must comply with the applicable provisions of the Federal Aviation Regulations.'' The effective date of Amendment No. 1 was March 2, 1983. Concurrent with the effective date of Amendment No. 1, regulations establishing airworthiness criteria for helicopter instrument flight became effective. All new applicants for certification of helicopter IFR operations must now comply with the provisions of Appendix B of parts 27 or 29, as applicable, and part 91. Because the FAA has established certification criteria and operational limitations for helicopters engaged in IFR operations, the need to prove IFR capabilities in a non-IFR certified helicopter is no longer warranted. The changes made to the regulations since the promulgation of SFAR No. 29 therefore no longer make its provisions necessary.

Alternate Airport Weather Minima

Commenters stated that the NPRM did not provide alternate airport weather minima reductions for helicopters when airports that have non-standard alternate airport weather minima are used as alternate airports. Prior to the adoption of this rule, standard alternate airport weather minima for all aircraft were stated in 14 CFR 91.169 (c)(1)(i) and (ii), (*i.e.,* for a precision approach procedure a ceiling of 600 feet and a visibility of 2 statute miles; for a nonprecision approach procedure, a ceiling of 800 feet and a visibility of 2 statute miles).

The commenters stated that helicopter operators should not be subject to the same restrictions imposed on operators of other types of aircraft by the use of nonstandard alternate minimums. The commenters noted that these restrictions were generally imposed to facilitate the conduct of circle-to-land operations. Due to the ability of helicopters to fly any available instrument approach, regardless of wind direction, and to land at the approach threshold regardless of runway length by pivoting into the wind, if necessary, just before touchdown, the commenters asserted that helicopter operators should not be restricted by these non-standard alternate minimums. They further stated that helicopter operators therefore should be allowed to use lower-than-standard alternate weather minima, regardless of whether standard or nonstandard alternate airport weather minima are specified on part 97 approach plates.

The FAA agrees with these comments. Historically, the FAA has permitted helicopter operators to use procedures different from those permitted to be used by other aircraft. For example, 14 CFR part 97 allows helicopters to utilize ''copter procedures'' or other procedures prescribed in subpart C of that part, and to use the Category A minimum descent altitude (MDA) or decision height (DH). Part 97 also authorizes helicopter operators to reduce the required visibility minimum to one-half the published visibility minimum for Category A aircraft, but in no case may

it be reduced to less than one-quarter mile or 1,200 feet runway visibility range (RVR).

Alternate airport weather minima are established using the ceiling and visibility requirements for circling approaches as a minimum. *The United States Standard for Terminal Instrument Procedures (TERPS)* (FAA Order 8260.3B), Chapter 11. Helicopter Procedures, paragraph 1100.a, ''Identification of Inapplicable Criteria,'' states in part, ''circling approach and high altitude penetration criteria do not apply to helicopter procedures.'' The FAA in fact does not evaluate pilots in the performance of circling approaches during evaluation for any rating or check involving the piloting of a helicopter. Additionally, the Instrument Rating Practical Test Standards (PTS) (FAA-S–8081–4C), published by the FAA to establish the standards for instrument rating certification practical tests for airplane, helicopter, and powered lift category and classes of aircraft indicates that the circling approach task is appropriate only to airplane and airship instrument proficiency checks and ratings.

In the SNPRM, the FAA therefore proposed to change the language of § 91.169 (c)(1)(ii) to permit a helicopter operator to use an airport as an alternate airport provided the ceiling is at least ''200 feet above and visibility 1 statute mile above the approach minima for the approach to be flown. * * *'' The purpose of this change was to allow helicopters to use lower-than-standard alternate airport minima regardless of the approach to be flown while eliminating the need to alter current approach plates. In making this change, the FAA unintentionally increased the visibility requirements proposed in the original NPRM. To correct this, the FAA has revised the language of § 91.169 (c)(1)(i) in this final rule to correspond with the original intent of the NPRM. See ''Discussion of Comments to the SNPRM'' below.

Some commenters requested that the FAA specify separate alternate airport weather minima for precision and nonprecision approaches used by a helicopter operator. Specifically, a 400-foot ceiling and one mile visibility was proposed for precision approach procedures and a 600-foot ceiling and one mile visibility was proposed for nonprecision approach procedures. The FAA, however, has not specified separate alternate airport weather minima for precision and nonprecision approaches used by helicopter operators in this rule. This action will ensure that alternate airport approach minima are above actual approach minma in those situations where actual approach minima may be above values commonly associated with precision and nonprecision approaches. The changes recognize the unique operating characteristics of helicopters and remove the operational restrictions that occur by requiring helicopters to use alternate approach minima specified in current instrument approach procedures.

Special Instrument Approach Procedures

Prior to this rule change, § 91.167 (b) stated in part that, ''paragraph (a)(2) of this section does not apply if—(1) Part 97 of this chapter prescribes a standard instrument approach procedure for the first airport of intended landing.'' Additionally, § 91.169 (b) stated in part that ''paragraph (a)(2) of this section does not apply if part 97 of this chapter prescribes a standard instrument approach procedure for the first airport of intended landing.'' That regulatory language did not provide for the use of special instrument approach procedures in determining an aircraft operator's ability to meet alternate airport requirements. This rule will permit an aircraft operator to use an authorized approach procedure in determining compliance with alternate airport requirements.

Special instrument approach procedures are not issued pursuant to part 97 but may be issued to an operator through inclusion in the operator's Operations Specifications or through a letter of authorization issued by the Administrator to a specific operator. These approach procedures are not published in part 97, but are developed under the authority of § 91.175 (a). The FAA has developed over 120 new helicopter non-precision Global Positioning System (GPS) instrument approaches to heliports since 1995, over 75% of them since October 1997. The FAA has determined that these approaches are not standard instrument approach procedures but ''special instrument approach procedures'' which require additional aircrew training prior to their use. Therefore, to permit aircraft operators to use special instrument approach procedures to comply with alternate airport requirements, the FAA has revised the language contained in § § 91.167 (b)(1) and 91.169 (b)(1), (c)(1), and (c)(2) of the original NPRM to permit the use of these special approaches when issued to an operator by the Administrator.

Weather Reports and Forecasts

Certain commenters noted the FAA's inaccurate use of the terms ''weather forecasts'' and ''weather reports,'' and the inconsistency between the way the terms ''weather reports and forecasts and weather conditions'' and ''weather reports and/or prevailing weather forecast''' were used in the narrative format and tabular format proposed in § § 91.167 (b) and 91.169 (b) and (c) of the original NPRM. The FAA agrees that the phrases were used inconsistently in the original proposal and is therefore adopting the phrase ''appropriate weather reports or weather forecasts, or a combination of them'' in those paragraphs that pertain to the selection of an alternate airport. The final rule, however, retains the language proposed in § 91.167 (a) of the original NPRM. This language is substantively identical to that contained in current § 91.167 (a) and ensures consideration of ''weather conditions'' when determining fuel requirements for civil aircraft operations in IFR conditions, unless the provisions of paragraph (b) apply.

The language used in this final rule reflects current usage of the terms ''weather forecasts'' and ''weather reports'' by meteorologists and aviation industry personnel. It also includes the term ''appropriate'' when referring to weather reports and weather forecasts to indicate that an operator must consider current weather reports and current and valid weather forecasts when determining if a flight requires an alternate airport. Use of the term ''appropriate'' is consistent with references to weather reports and forecasts in other operating rules. Its inclusion should eliminate any ambiguity and ensure conformity in determining those reports and forecasts that should be considered by an operator when designating an alternate airport. Use of the term ''appropriate'' is also consistent with the provisions of 14 CFR 91.103 which requires each pilot in command, before beginning a flight, to become familiar with all available information concerning that flight.

With regard to the use of weather forecasts, the FAA notes that although a weather forecast may be valid for a period as long as 24 hours, only the most current and valid weather forecast is considered ''appropriate.'' In some instances a current weather forecast may be issued, however it may not be valid for the time period required to be considered by an operator when choosing an alternate airport. Such a report is not considered ''appropriate.'' Any superceded weather report is not considered current and its use in determining an alternate airport is not considered appropriate.

The rule also does not include the descriptive term ''prevailing'' with the

phrase ''weather forecasts'' because ''prevailing'' is used to refer to actual weather conditions observed at a station and not to weather forecasts. Its use in the context of the original proposal was therefore improper and has been deleted.

Format of the Regulatory Text

In response to the FAA's request in the original NPRM for specific comments on whether readers preferred a tabular or a narrative format in portions of § § 91.167 (b) and 91.169 (b) and (c), seven commenters addressed the subject. Three commenters preferred the tabular format; two preferred the narrative; and two stated that either format was acceptable. Upon further consideration, the FAA has decided not to use the tables in the form in which they were originally proposed because the format might be confusing to some people. The FAA is currently reviewing part 91 to see how tables and other plain language writing techniques could improve reader comprehension. Until this review is completed, the FAA has decided to use the narrative format for § § 91.167 (b) and 91.169 (b) and (c), but might reconsider this decision in future rulemaking.

Technical Corrections

In the original NPRM, the FAA proposed distinct alternate airport weather minima for airplanes and helicopters. Aircraft other than airplanes and helicopters (*e.g.* airships) however may require access to the IFR system and require the need for an alternate airport. The FAA has therefore revised the language in the original proposal to provide different alternate airport requirements for helicopters and for aircraft other than helicopters, as opposed to airplanes, in this final rule.

Discussion of Comments to the SNPRM

The public comment period on the FAA's SNPRM closed on August 2, 1999. Six comments were received, all of which were generally favorable. Five commenters pointed out that the FAA changed the visibility minimum in § 91.169 (c)(1)(ii) when it sought to revise helicopter alternate airport weather minima by eliminating the distinction between precision and nonprecision approaches specified in the original NPRM. The original NPRM had stated the visibility for both types of approaches ''will be 1 statute mile, but never lower than the published minima for the approach to be flown.'' However, the commenters stated, since visibility required for a typical helicopter ILS approach is ¼ mile, that would require an airport with this type of approach to have a visibility of at least 1¼ miles to be considered an acceptable alternate airport. The original NPRM, however, would have permitted the designation of an airport that is forecast to have 1 mile visibility as an alternate airport on a helicopter instrument flight plan. The FAA agrees with the commenters and has changed the language in that section accordingly. One of the commenters also stated that if an aircraft is equipped with the appropriate advanced equipment that enhances situational awareness and reduces pilot workload, the aircraft should be eligible for alternate minima that are lower than those the FAA proposed. The FAA believes the comment is outside the scope of this rulemaking action and, therefore, is adopting the alternate minima set forth in this final rule.

Technical Corrections

For the reasons previously specified in the discussion of ''Weather Reports and Forecasts'' under ''Discussion of Comments to the Original NPRM,'' the final rule retains the language originally proposed in § 91.167 (a). This language is substantively identical to the language in current § 91.167 (a).

In addition, in § 91.169 (c)(2), the word ''or'' has been changed to ''and.'' This change was made because the intent of the proposal was only to require the more restrictive VFR ceiling and visibility minima for the alternate airport if no instrument approach procedure had been published or issued.

Discussion of Dates

The Administrative Procedures Act (APA) (5 U.S.C. 553 (d)) requires publication of an amendment in the **Federal Register** at least 30 days before the effective date, unless good cause is determined. Because this final rule will increase safety by enabling more helicopter pilots to operate under IFR in marginal weather conditions without the restrictions imposed by the current regulations, the FAA has determined that there is no reason to delay the effective date for 30 days. The rule is therefore effective upon publication in the **Federal Register**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the FAA has determined that there are no new requirements for information collection associated with this final rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and intends to file the following differences.

This rule does not prescribe that the weather at the airport of intended landing be at or above the operating minima at the estimated time of arrival. Paragraph 2.6.2.1 of ICAO annex 6, Part III, International Operations—Helicopters, Section III, International General Aviation, Chapter 2, Flight Operations, requires that the heliport of intended landing meet operating minima at the estimated time of arrival.

This rule would require helicopter operators to evaluate weather conditions at the airport of intended landing from the estimated time of arrival until one hour after the estimated time of arrival when determining whether an alternate airport is required. Paragraph 2.6.2.2 of ICAO Annex 6, Part III, Section III requires an operator to evaluate weather conditions at the heliport of intended landing from two hours before to two hours after the estimated time of arrival or from the actual time of departure to two hours after the estimated time of arrival or from the actual time of departure to two hours after the estimated time of arrival.

Paragraph 2.7.1 of ICAO Annex 6, Part III, Section III states that an alternate shall be required in an operator's flight plan unless the weather conditions specified in paragraph 2.6.2.2 of that section prevail or other specific conditions related to isolated heliports are met and a point of no return (PNR) determination is made, if applicable. The weather conditions for the selection of an alternate differ from those specified in paragraph 2.6.2.2, and the rule does not address isolated heliports and PNR determinations.

The FAA has not adopted the ICAO standards for the reasons discussed earlier in this preamble.

Regulatory Evaluation Summary

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the

economic effect of regulatory changes on small entities. Third, OMB directs agencies to assess the effect of regulatory changes on international trade. And fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation).

In conducting these analyses, the FAA has determined that this rule is not ''a significant regulatory action'' under section 3(f) of Executive Order 12866 and, therefore, is not subject to review by the Office of Management and Budget. The rule is not considered significant under the regulatory policies and procedures of the Department of Transportation (44 FR 11034; February 26, 1979). This rule will not have a significant impact on a substantial number of small entities and will not constitute a barrier to international trade. This rule will not impose any additional equipment, training, or other cost to the aviation industry. Therefore, there will be no compliance costs associated with the rule. The FAA estimates that the rule will provide $58 million ($41 million, present value) in benefits over the next 10 years. In addition, there will be the non-quantified benefits which include a reduction in the level of aircraft noise experienced by individuals on the ground when helicopters fly at higher altitudes and possible savings in corporate personnel time associated with enhanced corporate flight operations.

The rule will not present a significant impediment to either U.S. firms doing business abroad, or foreign firms doing business in the United States. Furthermore, the FAA certifies that the rule will not have a significant economic impact on a substantial number of small entities. The rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Regulatory Flexibility Determination

The Regulatory Flexibility Act (RFA) of 1980, 5 U.S.C. 601–612, was enacted by the U.S. Congress to ensure that small entities are not unnecessarily or disproportionately burdened by Government regulations. The RFA requires a regulatory flexibility analysis if a rule has a significant economic impact on a substantial number of small business entities. FAA's interim regulatory flexibility policy and guidelines establish threshold costs and small entity size standards for complying with RFA requirements. This guidance defines small entities in terms of size thresholds, significant economic impact in terms of annualized cost thresholds, and substantial number as a number which is not less than eleven and which is more than one-third of the small entities subject to the final rule.

This rule will impact entities regulated by part 91. The FAA has determined that there are no compliance costs associated with this rule. The FAA has also solicited comments during this rulemaking. No operators responded that they felt they would be negatively impacted from implementation of the rule. Only positive comments were received supporting the FAA's position that this rulemaking will not place any additional requirements on the aviation industry. Therefore, the FAA believes that there are no compliance costs associated with the rule. Accordingly, pursuant to the Regulatory Flexibility Act of 1980 (5 U.S.C. 605 (b)), the FAA certifies that this rule will not have a significant impact on a substantial number of small entities.

International Trade Impact Statement

The provisions of this rule will have little or no impact on trade for U.S. firms doing business in foreign countries and foreign firms doing business in the United States.

Federalism Implications

The FAA has analyzed this rule under the principles and criteria of Executive Order 13132, Federalism. The FAA has determined that this action will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule does not have federalism implications.

Unfunded Mandates Reform Act Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (the Act), codified in 2 U.S.C. 1501–1571, requires each Federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any Federal mandate in a proposed or final agency rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. Section 204(a) of the Act, 2 U.S.C. 1534(a), requires the Federal agency to develop an effective process to permit timely input by elected officers (or their designees) of State, local, and tribal governments on a proposed ''significant intergovernmental mandate.'' A ''significant intergovernmental mandate'' under the Act is any provision in a Federal agency regulation that will impose an enforceable duty upon State, local, and tribal governments, in the aggregate, of $100 million (adjusted annually for inflation) in any one year. Section 203 of the Act, 2 U.S.C. 1533, which supplements section 204(a), provides that before establishing any regulatory requirements that might significantly or uniquely affect small governments, the agency shall have developed a plan that, among other things, provides for notice to potentially affected small governments, if any, and for a meaningful and timely opportunity to provide input in the development of regulatory proposals.

This rule does not contain any Federal intergovernmental or private sector mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental assessment or environmental impact statement. In accordance with FAA Order 1050.1D, appendix 4, paragraph 4(j), this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA), Pub. L. 94–163, as amended (43 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects

14 CFR Part 21

Aircraft, Aviation safety, Exports, Imports, Reporting and recordkeeping requirements.

14 CFR Part 27

Aircraft, Aviation safety.

14 CFR Part 29

Aircraft, Aviation safety.

14 CFR Part 91

Aircraft, Airports, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends parts 21, 27, 29, and 91 of Chapter I, title 14, Code of Federal Regulations, as follows:

PART 21—CERTIFICATION PROCEDURES FOR PRODUCTS AND PARTS

1. The authority citation for part 21 continues to read as follows:

Authority: 42 U.S.C. 7572; 49 U.S.C. 106(g), 40105, 40113, 44701–44702, 44707, 44709, 44711, 44713, 44715, 45303.

SFAR No. 29–4 [Removed]

2. Remove Special Federal Aviation Regulation (SFAR) No. 29–4—Limited IFR Operations of Rotorcraft from part 21.

PART 27—AIRWORTHINESS STANDARDS: NORMAL CATEGORY ROTORCRAFT

3. The authority citation for part 27 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

SFAR No. 29–4 [Removed]

4. Remove SFAR No. 29–4 from in part 27.

PART 29—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY ROTORCRAFT

5. The authority citation for part 29 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701–44702, 44704.

SFAR No. 29–4 [Removed]

6. Remove SFAR No. 29–4 from in part 29.

PART 91—GENERAL OPERATING AND FLIGHT RULES

7. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 stat. 1180).

SFAR No. 29–4 [Removed]

8. Remove Special Federal Aviation Regulation (SFAR) No. 29–4, Limited IFR Operations of Rotorcraft, from part 91.

9. Revise § 91.167 to read as follows:

§ 91.167 Fuel requirements for flight in IFR conditions.

(a) No person may operate a civil aircraft in IFR conditions unless it carries enough fuel (considering weather reports and forecasts and weather conditions) to—

(1) Complete the flight to the first airport of intended landing;

(2) Except as provided in paragraph (b) of this section, fly from that airport to the alternate airport; and

(3) Fly after that for 45 minutes at normal cruising speed or, for helicopters, fly after that for 30 minutes at normal cruising speed.

(b) Paragraph (a)(2) of this section does not apply if:

(1) Part 97 of this chapter prescribes a standard instrument approach procedure to, or a special instrument approach procedure has been issued by the Administrator to the operator for, the first airport of intended landing; and

(2) Appropriate weather reports or weather forecasts, or a combination of them, indicate the following:

(i) *For aircraft other than helicopters.* For at least 1 hour before and for 1 hour after the estimated time of arrival, the ceiling will be at least 2,000 feet above the airport elevation and the visibility will be at least 3 statute miles.

(ii) *For helicopters.* At the estimated time of arrival and for 1 hour after the estimated time of arrival, the ceiling will be at least 1,000 feet above the airport elevation, or at least 400 feet above the lowest applicable approach minima, whichever is higher, and the visibility will be at least 2 statute miles.

10. Revise § 91.169 (a), (b), and (c) to read as follows:

§ 91.169 IFR flight plan: Information required.

(a) *Information required.* Unless otherwise authorized by ATC, each person filing an IFR flight plan must include in it the following information:

(1) Information required under § 91.153 (a) of this part;

(2) Except as provided in paragraph (b) of this section, an alternate airport.

(b) Paragraph (a)(2) of this section does not apply if :

(1) Part 97 of this chapter prescribes a standard instrument approach procedure to, or a special instrument approach procedure has been issued by the Administrator to the operator for, the first airport of intended landing; and

(2) Appropriate weather reports or weather forecasts, or a combination of them, indicate the following:

(i) *For aircraft other than helicopters.* For at least 1 hour before and for 1 hour after the estimated time of arrival, the ceiling will be at least 2,000 feet above the airport elevation and the visibility will be at least 3 statute miles.

(ii) *For helicopters.* At the estimated time of arrival and for 1 hour after the estimated time of arrival, the ceiling will be at least 1,000 feet above the airport elevation, or at least 400 feet above the lowest applicable approach minima, whichever is higher, and the visibility will be at least 2 statute miles.

(c) *IFR alternate airport weather minima.* Unless otherwise authorized by the Administrator, no person may include an alternate airport in an IFR flight plan unless appropriate weather reports or weather forecasts, or a combination of them, indicate that, at the estimated time of arrival at the alternate airport, the ceiling and visibility at that airport will be at or above the following weather minima:

(1) If an instrument approach procedure has been published in part 97 of this chapter, or a special instrument approach procedure has been issued by the Administrator to the operator, for that airport, the following minima:

(i) *For aircraft other than helicopters:* The alternate airport minima specified in that procedure, or if none are specified the following standard approach minima:

(A) *For a precision approach procedure.* Ceiling 600 feet and visibility 2 statute miles.

(B) *For a nonprecision approach procedure.* Ceiling 800 feet and visibility 2 statute miles.

(ii) *For helicopters:* Ceiling 200 feet above the minimum for the approach to be flown, and visibility at least 1 statute mile but never less than the minimum visibility for the approach to be flown, and

(2) If no instrument approach procedure has been published in part 97 of this chapter and no special instrument approach procedure has been issued by the Administrator to the operator, for the alternate airport, the ceiling and visibility minima are those allowing descent from the MEA, approach, and landing under basic VFR.

* * * * *

Issued in Washington, DC, on January 13, 2000.

Jane F. Garvey,

Administrator.

[FR Doc. 00–1326 Filed 1–20–00; 8:45 am]

BILLING CODE 4910–13–U

Federal Register

Friday,
January 21, 2000

Part III

Department of Education

Educational Research and Improvement; Telecommunications Demonstration Project for Mathematics; Applications for New Awards (FY) 2000; Notice

DEPARTMENT OF EDUCATION

(CFDA No. 84.286)

Office of Educational Research and Improvement; Telecommunications Demonstration Project for Mathematics Notice Inviting Applications for New Awards for Fiscal Year (FY) 2000

Note To Applicants

This notice is a complete application package. Together with the statute authorizing the program and applicable regulations governing the program, including the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions you need to apply for a grant under this competition.

Purpose of Program

The purpose of the Telecommunications Demonstration Project for Mathematics is to support a grant to a nonprofit telecommunications entity, or partnership of those entities, to carry out a national telecommunications-based demonstration project to improve the teaching of mathematics.

Eligible Applicants

Nonprofit telecommunications entity or partnership of those entities.

Deadline For Receipt of Applications

March 10, 2000.

Note: We must receive all applications on or before this date. This requirement takes exception to the Education Department General Administrative Regulations (EDGAR), 34 CFR 75.102. Under the Administrative Procedure Act (5 U.S.C. 553), the Department generally offers interested parties the opportunity to comment on proposed regulations. However, this exception to EDGAR makes procedural changes only and does not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Assistant Secretary for Educational Research and Improvement has determined that proposed rulemaking is not required.

Deadline For Intergovernmental Review: May 10, 2000.

Estimated Available Funds: $8,500,000.

Estimated Range of Awards: Up to $8,500,000.

Maximum Award: We will reject any application that proposes a budget exceeding $8,500,000 per year. The Secretary may change the maximum amount through a notice published in the **Federal Register**.

Estimated Number of Awards: 1–3.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Please note that all applicants for multi-year awards are required to provide detailed budget information for the total grant period requested.

Budget Period: 12 months.

Page Limit: The application narrative is where you, the applicant, address the selection criteria reviewers use to evaluate your application. Although a standard outline is not required, you should address the application requirements and selection criteria discussed in this application package. You must limit your narrative to the equivalent of no more than 25 pages using the following standards:

- A ''page'' is 8.5″ × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; or the one-page abstract, the resumes, the bibliography, or the letters of support. However, you must address in the application narrative all of the requirements stated in this notice.

If, to meet the page limit, you use more than one side of the page, you use a larger page, or you use a print size, spacing, or margins smaller than the standards in this notice, your application will be rejected.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 81, 82, 85, and 86.

Description of Program: The Telecommunications Demonstration Project for Mathematics is authorized by Part D of Title III of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 6951–6952).

The Secretary is authorized to award grants to a nonprofit telecommunications entity, or a partnership of those entities, to carry out a national telecommunications-based demonstration project to improve the teaching of mathematics. The project must be designed to assist elementary and secondary school teachers in preparing all students for achieving State content standards. The project must be conducted at elementary and secondary school sites in at least 15 States.

Application Requirements: Each nonprofit telecommunications entity, or partnership of those entities, that desires a grant must submit an application that—

(1) Demonstrates that the applicant will use the existing publicly funded telecommunications infrastructure to deliver video, voice, and data in an integrated service to train teachers in the use of new standards-based curricula materials and learning technologies;

(2) Assures that the project for which assistance is sought will be conducted in cooperation with appropriate State educational agencies, local educational agencies, State or local nonprofit public telecommunications entities, and a national mathematics education professional association that has developed content standards; and

(3) Assures that a significant portion of the benefits available for elementary and secondary schools from the project for which assistance is sought will be available to schools of local educational agencies which have a high percentage of children counted for the purpose of part A of title I of the Elementary and Secondary Education Act of 1965, as amended.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications for a new grant under this competition.

(2) The maximum score for all of these criteria is 100 points.

(3) The maximum score for each criterion is indicated in parentheses.

(b) *The criteria.* (1) *Need for Project (20 points).* (i) The Secretary considers the need for the proposed project.

(ii) In determining the need for the proposed project, the Secretary considers the following factors:

(A) The magnitude or severity of the problem to be addressed by the proposed project.

(B) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(2) *Significance (35 points).* (i) The Secretary considers the significance of the proposed project.

(ii) In determining the significance of the proposed project, the Secretary considers the following factors:

(A) The national significance of the proposed project.

(B) The likelihood that the proposed project will result in system change or improvement.

(C) The extent to which the proposed project involves the development or demonstration of promising new

strategies that build on, or are alternatives to, existing strategies.

(D) The extent to which the results of the proposed project are to be disseminated in ways that will enable others to use the information or strategies.

(E) The potential replicability of the proposed project or strategies, including, as appropriate, the potential for implementation in a variety of settings.

(3) *Quality of Project Services (20 points).* (i) The Secretary considers the quality of the services to be provided by the proposed project.

(ii) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age or disability.

(iii) In addition, the Secretary considers the following factors:

(A) The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(B) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners for maximizing the effectiveness of project services.

(4) *Quality of the Project Evaluation (25 points).* (i) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(ii) In determining the quality of the evaluation, the Secretary considers the following factors:

(A) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(B) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(C) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

What Data Collection and Reporting Are Required?

The Government Performance and Results Act (GPRA) of 1993 places new management expectations and requirements on Federal departments and agencies by creating a framework for more effective planning, budgeting, program evaluation, and fiscal accountability for Federal programs. The purpose of the Act is to improve public confidence by holding agencies accountable for achieving program results. Departments and agencies must clearly describe the goals and objectives of their programs, identify resources and actions needed to accomplish these goals and objectives, develop a means of measuring progress made, and regularly report on their achievement. The Telecommunications Demonstration Project for Mathematics program established as its GPRA objective that the program will ''promote excellent teaching in mathematics through sustained professional development and teacher networks.'' The indicator for meeting this objective is increasing participation in sustained professional development: The number of teachers sharing resources and engaged in other professional development activities through on-line learning communities will increase annually. (For a copy of the ED FY 2000 Annual Plan see http://www.ed.gov/pubs/planrpts.html).

ED staff are developing plans to collect and report valid data to measure progress towards meeting the GPRA objective, as well as to collect other information needed for program monitoring and improvement. Funded projects will be required to submit these data as part of their annual and final performance reports to the U.S. Department of Education.

One important source of information on successes and lessons learned is the project evaluation conducted under individual grants. A strong project evaluation plan should be included in the grant application. The evaluation should shape the development of the project from the beginning of the grant period. The evaluation plan should:

- Include clear benchmarks to monitor progress toward key objectives;
- Include outcome measures to assess impact on the intended recipients of services;
- Identify the project evaluator and describe his or her qualifications;
- Describe the evaluation design including: (1) What types of data will be collected; (2) when various types of data will be collected; (3) what designs and methods will be used; (4) what instruments will be developed and when; (5) how the data will be analyzed; (6) when reports of results and outcomes will be available; and (7) how information will be used by the project to monitor progress and to provide accountability information to stakeholders both at the initial site and effective strategies for replication elsewhere.

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

If you are an applicant, you must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. If you propose to perform activities in more than one State, you should immediately contact the SPOC for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any SPOC, see the list in the Appendix to this application notice; or you may view the latest official SPOC list on the Web site of the Office of Management and Budget at the following address:

http://www.whitehouse.gov/omb/grants

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a SPOC and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this application notice to the following address: The Secretary, E.O. 12372—CFDA# 84.286, U.S. Department of Education, Room 7E200, 400 Maryland Avenue, SW., Washington, DC 20202–0125.

We will determine proof of mailing under 34 CFR 75.102 (Deadline date for applications). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH AN APPLICANT SUBMITS ITS COMPLETED APPLICATION. *DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.*

Instructions For Transmitting Applications

(a) If you want to apply for a grant, you must—

(1) Mail the original and two (2) copies of the application to: U.S. Department of Education, Application Control Center, Attn: CFDA #84.286, Regional Office Building 3, Room 3633, 7th & D Streets, SW, Washington, DC 20202–4725.

Each copy of the application should be covered with a title page (form included in these guidelines) or a reasonable facsimile. All applicants are encouraged to submit voluntarily an additional three (3) copies of the application for a total of one original and five copies, and an additional three (3) copies of the title page itself in order to expedite the review process. However, the absence of these additional copies will not influence the selection process. *All sections of the application and all sections of the appendix must be suitable for photocopying to be included in the review (at least one copy of the application should be unbound and suitable for photocopying),* or

(2) Hand deliver the application between 8 a.m. and 4 p.m. (Washington, DC time) on or before the deadline date—Monday through Friday, except Federal holidays—to: U.S. Department of Education, Application Control Center, Regional Office Building 3, Room 3633, 7th and D Streets, SW (*D Street, SW, entrance,*) Washington, DC.

(b) We will not consider for funding an application that we do not receive by the deadline date.

(c) The Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from date of mailing the application you should call the U.S. Department of Education Application Control Center at (202) 708–9494.

(d) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (ED 424; revised January 12, 1999)—the CFDA number for this competition: CFDA #84.286.

Application Instructions and Forms

The Appendix to this notice contains forms and instructions, a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with section 427 of the General Education Provisions Act, and various assurances and certifications. Please organize the parts and additional materials in the following order:

Application for Federal Education Assistance (ED Form 424 (Rev. 1/12/99)) and instructions.

Protection of Human Subjects in Research (Attachment to ED 424).

Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Application Narrative.

Assurances—Non-Construction Programs (Standard Form 424B) (Rev. 7/97).

Certifications regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED Form 80–0013, 12/98) and instructions.

Certification regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED Form 80–0014, 9/90) and instructions.

(Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

Disclosure of Lobbying Activities (Standard Form LLL (Rev. 7/97)) (if applicable) and instructions.

You may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. We will not award a grant unless we have received a completed application form.

For Further Information Contact: Jean Tolliver, U.S. Department of Education, 555 New Jersey Avenue, NW., room 520, Washington, DC 20208–5544. Telephone: (202) 219–2097. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) or by request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT.** However, the Department is not able to reproduce in an alternative format the standard forms included in this application notice.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm

http://www.ed.gov/news.html

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, D.C. area, at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: http://www.access.gpo.gov/nara/index.html

Program Authority: 20 U.S.C. 6951–6952.

Dated: January 18, 2000.

C. Kent McGuire,

Assistant Secretary for Educational Research and Improvement.

Appendix—Estimated Public Reporting Burden

According to the Paperwork Reduction Act of 1995, you are not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this collection of information is 1850–0760 (Expiration Date: 1/31/2003). We estimate the time required to complete this collection of information to average 40 hours per response, including the time to review instructions, search existing data sources, gather the data needed, and complete and review the collection of information. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202–4651.

If you have any comments or concerns regarding the status of your submission of this form, write directly to: Telecommunications Demonstration Project for Mathematics, Attn: 84.286, U.S. Department of Education, 555 New Jersey Avenue, NW., Washington, DC 20208–5544.

Instructions for Preparing Your Application Narrative

Before preparing your application narrative, you should read carefully the entire application package before beginning to prepare your application. The *Selection Criteria* state what you must propose to do, and what criteria will be used to evaluate your application.

The Application: Your application should include:

1. *Title Page.* Use the Title Page form (Standard Form 424) included in these guidelines.

2. *Table of Contents.* Include a one-page table of contents.

3. *Abstract.* Provide a one-page, double-spaced abstract that describes the need to be addressed by the project,

summarizes the proposed activities, and identifies the intended outcomes. It is helpful to include on this page your name, address, and phone numbers.

4. *Narrative*. (*Note*: The section on PAGE LIMIT elsewhere in this application notice applies to your application).

5. *Budget*. Use the attached Budget Summary form (ED Form 524), or a suitable facsimile, to present a complete budget summary for each year of the project.

Please provide a justification for this budget by including, *for each year*, a narrative for each budget line item which explains: (1) The basis for estimating the costs of professional personnel salaries, benefits, project staff travel, materials and supplies, consultants and subcontracts, indirect costs, and any projected expenditures; (2) how the major cost items relate to the proposed activities; (3) the costs of evaluation; and (4) a detailed description explaining in-kind support or funding provided by partners in the project, if any.

The Appendix: Your application should be accompanied by an appendix which includes:

1. *Project Personnel.* Please provide a brief summary of the background and experience of key project staff as they relate to the specific project activities you are proposing.

2. *List of Partners.* List all project partners and other sources of support, their contact persons, addresses, telephone numbers, fax numbers, and E-mail addresses. The roles and contributions of all partners and other sources of support should be described within the 25-page narrative, but letters of commitment should be included in this section of the appendix to clearly document the role and contribution of each member.

3. *Evidence of Previous Success.* Include a brief summary of any evaluation studies, reports, or research that may document the effectiveness or success of the applicant or of the activities proposed in the narrative section of the application.

4. *Evaluation Plan.* A brief plan should identify what types of data will be collected, when data will be collected, the design and methods to be used, what instruments will be developed, how data will be analyzed, and when reports of results and outcomes will be available.

Other Attachments: Other attachments are not encouraged. Reviewers will have a limited time to read each application. Supplementary materials such as videotapes, CD–ROMs, files on disks, commercial publications, press clippings, testimonial letters, etc. will not be reviewed and will be returned to you.

BILLING CODE 4000–01–U

State Single Points of Contact (SPOCs)

In accordance with Executive Order 12372, Intergovernmental Review of Federal Programs, this listing represents the designated SPOCs. Because participation is voluntary, some States and Territories no longer participate in the process. These include: Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington. An applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a SPOC.

ARIZONA Joni Saad Arizona State Clearinghouse 3800 N. Central Avenue Fourteenth Floor Phoenix, Arizona 85012 Telephone: (602) 280-1315 Fax: (602) 280-8144 jonis@ep.state.az.us	**ARKANSAS** Tracy L. Copeland Manager, State Clearinghouse Office of Intergovernmental Services Department of Finance and Administration 1515 W. 7th St., Room 412 Little Rock, Arkansas 72203 Telephone: (501) 682-1074 Fax: (501) 682-5206 tlcopeland@dfa.state.ar.us
CALIFORNIA Grants Coordination State Clearinghouse Office of Planning and Research P. O. Box 3044, Room 222 Sacramento, California 95812-3044 Telephone: (916) 445-0613 Fax: (916) 323-3018 state.clearinghouse@opr.ca.gov	**DELAWARE** Charles H. Hopkins Executive Department Office of the Budget 540 S. Dupont Highway, 3rd Floor Dover, Delaware 19901 Telephone: (302) 739-3323 Fax: (302) 739-5661 chopkins@state.de.us
DISTRICT OF COLUMBIA Ron Seldon Office of Grants Management and Development 717 14th Street, N.W. Suite 1200 Washington, D.C. 20005 Telephone: (202) 727-1705 Fax: (202) 727-1617 ogmd-ogmd@dcgov.org	**FLORIDA** Cherie L. Trainor Florida State Clearinghouse Department of Community Affairs 2555 Shumard Oak Blvd. Tallahassee, Florida 32399-2100 Telephone: (850) 922-5438 (850) 414-5495 (direct) Fax: (850) 414-0479 cherie.trainor@dca.state.fl.us
GEORGIA Georgia State Clearinghouse 270 Washington Street, SW Atlanta, Georgia 30334 Telephone: (404) 656-3855 Fax: (404) 656-7901 gach@mail.opb.state.ga.us	**ILLINOIS** Virginia Bova Department of Commerce and Community Affairs James R. Thompson Center 100 West Randolph, Suite 3-400 Chicago, Illinois 60601 Telephone: (312) 814-6028 Fax (312) 814-1800 vbova@commerce.state.il.us
INDIANA Frances Williams State Budget Agency 212 State House Indianapolis, Indiana 46204-2796 Telephone: (317) 232-2972 Fax: (317) 233-3323 fwilliams@sba.state.in.us	**IOWA** Steven R. McCann Division of Community and Rural Development Iowa Department of Economic Development 200 East Grand Avenue Des Moines, Iowa 50309 Telephone: (515) 242-4719 Fax: (515) 242-4809 steve.mccann@ided.state.ia.us

KENTUCKY Kevin J. Goldsmith, Director Sandra Brewer, Executive Secretary Intergovernmental Affairs Office of the Governor 700 Capitol Avenue Frankfort, Kentucky 40601 Telephone: (502) 564-2611 Fax: (502) 564-0437 kgoldsmith@mail.state.ky.us sbrewer@mail.state.ky.us	**MAINE** Joyce Benson State Planning Office 184 State Street 38 State House Station Augusta, Maine 04333 Telephone: (207) 287-3261 (207) 287-1461 (direct) Fax: (207) 287-6489 joyce.benson@state.me.us
MARYLAND Linda Janey Manager, Clearinghouse and Plan Review Unit Maryland Office of Planning 301 West Preston Street - Room 1104 Baltimore, Maryland 21201-2305 Telephone: (410) 767-4490 Fax: (410) 767-4480 linda@mail.op.state.md.us	**MICHIGAN** Richard Pfaff Southeast Michigan Council of Governments 660 Plaza Drive - Suite 1900 Detroit, Michigan 48226 Telephone: (313) 961-4266 Fax: (313) 961-4869 pfaff@semcog.org
MISSISSIPPI Cathy Mallette Clearinghouse Officer Department of Finance and Administration 550 High Street 303 Walters Sillers Building Jackson, Mississippi 39201-3087 Telephone: (601) 359-6762 Fax: (601) 359-6758	**MISSOURI** Lois Pohl Federal Assistance Clearinghouse Office of Administration P.O. Box 809 Jefferson Building, Room 915 Jefferson City, Missouri 65102 Telephone: (573) 751-4834 Fax: (573) 522-4395 pohll_@mail.oa.state.mo.us
NEVADA Heather Elliott Department of Administration State Clearinghouse 209 E. Musser Street, Room 200 Carson City, Nevada 89701 Telephone: (775) 684-0209 Fax: (775) 684-0260 helliott@govmail.state.nv.us	**NEW HAMPSHIRE** Jeffrey H. Taylor Director, New Hampshire Office of State Planning Attn: Intergovernmental Review Process Mike Blake 2 1/2 Beacon Street Concord, New Hampshire 03301 Telephone: (603) 271-2155 Fax: (603) 271-1728 jtaylor@osp.state.nh.us
NEW MEXICO Ken Hughes Local Government Division Room 201 Bataan Memorial Building Santa Fe, New Mexico 87503 Telephone: (505) 827-4370 Fax: (505) 827-4948 khughes@dfa.state.nm.us	**NORTH CAROLINA** Jeanette Furney Department of Administration 1302 Mail Service Center Raleigh, North Carolina 27699-1302 Telephone: (919) 807-2323 Fax: (919) 733-9571 jeanette.furney@ncmail.net
NORTH DAKOTA Jim Boyd Division of Community Services 600 East Boulevard Ave, Dept 105 Bismarck, North Dakota 58505-0170 Telephone: (701) 328-2094 Fax: (701) 328-2308 jboyd@state.nd.us	**RHODE ISLAND** Kevin Nelson Department of Administration Statewide Planning Program One Capitol Hill Providence, Rhode Island 02908-5870 Telephone: (401) 222-2093 Fax: (401) 222-2083 knelson@doa.state.ri.us

SOUTH CAROLINA Omeagia Burgess Budget and Control Board Office of State Budget 1122 Ladies Street - 12th Floor Columbia, South Carolina 29201 Telephone: (803) 734-0494 Fax: (803) 734-0645 aburgess@budget.state.sc.us	**TEXAS** Tom Adams Governors Office Director, Intergovernmental Coordination P.O. Box 12428 Austin, Texas 78711 Telephone: (512) 463-1771 Fax: (512) 936-2681 tadams@governor.state.tx.us
UTAH Carolyn Wright Utah State Clearinghouse Governor's Office of Planning and Budget State Capitol - Room 114 Salt Lake City, Utah 84114 Telephone: (801) 538-1535 Fax: (801) 538-1547 cwright@gov.state.ut.us	**WEST VIRGINIA** Fred Cutlip, Director Community Development Division West Virginia Development Office Building #6, Room 553 Charleston, West Virginia 25305 Telephone: (304) 558-4010 Fax: (304) 558-3248 fcutlip@wvdo.org
WISCONSIN Jeff Smith Section Chief, Federal/State Relations Wisconsin Department of Administration 101 East Wilson Street - 6th Floor P.O. Box 7868 Madison, Wisconsin 53707 Telephone: (608) 266-0267 Fax: (608) 267-6931 jeffrey.smith@doa.state.wi.us	**WYOMING** Sandy Ross Department of Administration and Information 2001 Capitol Avenue, Room 214 Cheyenne, WY 82002 Telephone: (307) 777-5492 Fax: (307) 777-3696 sross1@missc.state.wy.us
GUAM Director Bureau of Budget and Management Research Office of the Governor P.O. Box 2950 Agana, Guam 96910 Telephone: 011-671-472-2285 Fax: 011-472-2825 jer@ns.gov.gu	**PUERTO RICO** Norma Burgos / Jose E. Caro Puerto Rico Planning Board Federal Proposals Review Office Minillas Government Center P.O. Box 41119 San Juan, Puerto Rico 00940-1119 Telephone: (809) 727-4444 (809) 723-6190 Fax: (809) 724-3270
NORTH MARIANA ISLANDS Ms. Jacoba T. Seman Fedeal Programs Coordinator Office of Management and Budget Office of the Governor Saipan, MP 96950 Telephone: (670) 664-2289 Fax: (670) 664-2272 omb.jseman@saipan.com	**VIRGIN ISLANDS** Ira Mills Director, Office of Management and Budget #41 Norregade Emancipation Garden Station, Second Floor Saint Thomas, Virgin Islands 00802 lrmills@usvi.org

Changes to this list can be made only after OMB is notified by a State's officially designated representative. E-mail messages can be sent to grants@omb.eop.gov. If you prefer, you may send correspondence to the following postal address: Attn: Grants Management, Office of Management and Budget, New Executive Office Building, Suite 6025, 725 17th Street, NW, Washington, DC 20503.

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name: _____

Address: _____

_____
City _____ State _____ County _____ ZIP Code + 4 _____ - _____

Organizational Unit

2. Applicant's D-U-N-S Number: |__|__|__|__|__|__|__|__|__|

3. Catalog of Federal Domestic Assistance #: **84.286**

Title: **Telecommunications Demonstration Project for Mathematics**

4. Project Director: _____

Address: _____

_____
City _____ State _____ Zip code + 4 _____
Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

E-Mail Address: _____

5. Is the applicant delinquent on any Federal debt? ___Yes ____No
(If "Yes," attach an explanation.)

6. Type of Applicant *(Enter appropriate letter in the box.)* |_____|

A - State	H - Independent School District
B - County	I - Public College or University
C - Municipal	J - Private, Non-Profit College or University
D - Township	K - Indian Tribe
E - Interstate	L - Individual
F - Intermunicipal	M - Private, Profit-Making Organization
G - Special District	N - Other *(Specify)*: _____

7. Novice Applicant ___Yes ____ No

Application Information

8. Type of Submission:

-PreApplication	*-Application*
____Construction	____Construction
____Non-Construction	____Non-Construction

9. Is application subject to review by Executive Order 12372 process?
____ Yes *(Date made available to the Executive Order 12372 process for review):* ____/____/_____

____ No *(If "No," check appropriate box below.)*
____ Program is not covered by E.O. 12372.
____ Program has not been selected by State for review.

10. Proposed Project Dates: ____/____/_____ ____/____/_____
Start Date: **End Date:**

11. Are any research activities involving human subjects planned at any time during the proposed project period? ____Yes _____No
a. If "Yes," Exemption(s) #: b. Assurance of Compliance #:

_____ *OR* _____

c. IRB approval date: ____ Full IRB or
_____ ____ Expedited Review

12. Descriptive Title of Applicant's Project:

Estimated Funding

13a. Federal	$ _____	.00
b. Applicant	$ _____	.00
c. State	$ _____	.00
d. Local	$ _____	.00
e. Other	$ _____	.00
f. Program Income	$ _____	.00
g. TOTAL	$ _____	.00

Authorized Representative Information

14. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
_____

b. Title: _____

c. Tel. #: ( ) _____-_____ Fax #: ( ) _____-_____

d. E-Mail Address: _____

e. Signature of Authorized Representative

_____ Date: ___/____/_____

ED 424 (rev 1.12.99)

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505 or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

OMB Control No. 1801-0004 (Exp. 8/31/2001)

NOTICE TO ALL APPLICANTS

The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is Section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

To Whom Does This Provision Apply?

Section 427 of GEPA affects applicants for new grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

(If this program is a State-formula grant program, a State needs to provide this description only for projects or activities that it carries out with funds reserved for State-level uses. In addition, local school districts or other eligible applicants that apply to the State for funding need to provide this description in their applications to the State for funding. The State would be responsible for ensuring that the school district or other local entity has submitted a sufficient section 427 statement as described below.)

What Does This Provision Require?

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, you should determine whether these or other barriers may prevent your students, teachers, etc. from such access or participation in, the Federally-funded project or activity. The description in your application of steps to be taken to overcome these barriers need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition, the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with Section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

Estimated Burden Statement for GEPA Requirements

The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to**: U.S. Department of Education, Washington, DC 20202-4651.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number *Draft*

Expiration Date: *Pending OMB Clearance*

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE

APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

Approved by OMB
0348-0046

Disclosure of Lobbying Activities

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure)

1. Type of Federal Action: a. contract ____ b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	**2. Status of Federal Action:** a. bid/offer/application _____ b. initial award c. post-award	**3. Report Type:** a. initial filing _____ b. material change **For material change only:** Year _____ quarter _____ Date of last report_____
4. Name and Address of Reporting Entity: ____ Prime _____ Subawardee Tier_____, if Known: **Congressional District, if known:**	**5. If Reporting Entity in No. 4 is Subawardee,** Enter Name and Address of Prime: **Congressional District, if known:**	
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____	
8. Federal Action Number, *if known:*	**9. Award Amount,** *if known:* **$**	
10. a. Name and Address of Lobbying Registrant *(if individual, last name, first name, MI):*	**b. Individuals Performing Services** *(including address if different from No. 10a) (last name, first name, MI):*	
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.	**Signature:** _____ **Print Name:**_____ **Title:**_____ **Telephone No.:** _____ **Date:** _____	
Federal Use Only	**Authorized for Local Reproduction** **Standard Form - LLL (Rev. 7-97)**	

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitations for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Included prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10(a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503

[FR Doc. 00–1516 Filed 1–20–00; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Friday,
January 21, 2000

Part IV

Department of Housing and Urban Development

48 CFR Parts 2401 et al.
HUD Acquisition Regulation; Miscellaneous Revisions; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

48 CFR Parts 2401, 2402, 2403, 2409, 2413, 2414, 2415, 2416, 2419, 2424, 2425, 2426, 2428, 2432, 2433, 2436, 2437, 2439, 2442, 2446, 2451, 2452 and 2453

[Docket No. FR–4115–F–03]

RIN 2435–AA24

HUD Acquisition Regulation; Miscellaneous Revisions

AGENCY: Office of the Chief Procurement Officer (CPO), DHUD.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Housing and Urban Development (HUD) Acquisition Regulation (HUDAR) to implement changes made to the Federal Acquisition Regulation since the HUDAR's last issuance, and implement requirements of the Federal Acquisition Reform Act of 1996.

DATES: Effective Date: February 22, 2000.

FOR FURTHER INFORMATION CONTACT: Frederick Graves, Policy and Field Operations Division, Office of Procurement and Contracts (Seattle Outstation), U.S. Department of Housing and Urban Development, Seattle Federal Office Building, 909 1st Avenue, Seattle, WA 98104–1000, telephone (206) 220–5122 extension 3450, FAX (206) 220–5406. Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On August 23, 1999, at 64 FR 46092, the Department of Housing and Urban Development (HUD) published an interim rule making miscellaneous changes to the HUD Acquisition Regulation (HUDAR). No comments were received on the interim rule during the 60-day public comment period. Therefore, except for several technical corrections discussed immediately below, the interim rule is adopted as final without change.

In section 2415.304, paragraph (d)(3) is deleted in this final rule. The inclusion of this paragraph in the interim rule was a typographical error. The same text was correctly included as paragraph (a)(3) of section 2415.303 in the interim rule.

Section 2415.613–72 is removed. Sections 2415.613–70 and 2415.613–71, which dealt with HUD's alternative selection process, were removed in the interim rule. The related section 2415.613–72 should have been removed as well.

Subpart 2415.10 is redesignated as Subpart 2415.5. The subpart title is unchanged. The redesignation was erroneously omitted from the interim rule.

Section 2426.703 is redesignated as 2426.7003. Sections 2426.701 and 2426.702 were redesignated 2426.7001 and 2426.7002 respectively in the interim rule, and section 2426.703 should have been likewise redesignated.

The following sections are added to designate HUD officials to act on behalf of the agency head for the purposes of various sections of the FAR. These designations implement the relevant sections of the FAR cited in the new sections and were erroneously omitted from the interim rule: 2432.114, 2432.201, 2432.407, 2432.703–3 and 2432.903.

Subpart 2451.3 was redesignated as 2451.70 in the interim rule. The title should have also been revised. The new title is included in this final rule.

In Section 2452.215–70, the reference to HUDAR 2415.407(a) is corrected to read 2415.209(a). Section 2415.407 was redesignated as 2415.209 in the interim rule. In the interim rule, Alternates I and II to 2452.215–70 were revised to reflect the change in citation, and their dates were changed accordingly. Therefore, the date of the basic provision should also be ''OCT 1999.''

Section 2452.226–70 is revised to correct the HUDAR citation in the first sentence from 2426.222–703 to 2426.222–7003. This correction was erroneously omitted from the interim rule.

Findings and Certifications

Unfunded Mandates Reform Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), that this rule does not impose a Federal mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Small businesses were specifically invited, however, to comment on whether the interim rule would significantly affect them, and persons were invited to submit comments according to the instructions in the **DATES** and **Comments** sections in the preamble of the interim rule. No comments were received.

Paperwork Reduction Act

The information collection requirements contained in the HUDAR have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and have been assigned OMB approval number 2535–0091. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Environmental Impact

In accordance with 40 CFR 1508.4 of the regulations of the Council on Environmental Quality and 24 CFR 50.19(c)(1) of the HUD regulations, the policies and procedures in this document are not subject to the individual compliance requirements of the authorities cited in 24 CFR 50.4, and, therefore, are categorically excluded from the requirements of the National Environmental Policy Act of 1969. Accordingly, a Finding of No Significant Impact is not required.

Executive Order 13132, Federalism

This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of Executive Order 13132 (entitled ''Federalism'').

Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks

This rule will not pose an environmental health risk or safety risk to children.

List of Subjects in 24 CFR Parts 2401, 2402, 2403, 2409, 2413, 2414, 2415, 2416, 2419, 2424, 2425, 2426, 2428, 2432, 2433, 2436, 2437, 2439, 2442, 2446, 2451, 2452 and 2453

Government procurement, HUD acquisition regulation.

Accordingly, title 48, Chapter 24 of the Code of Federal Regulations, is amended by adopting the interim rule published in the **Federal Register** on August 23, 1999 (64 FR 46092) as final with the following amendments to read as follows:

PART 2415—CONTRACTING BY NEGOTIATION

1. The authority citation for part 2415 continues to read as follows:

Authority: 40 U.S.C. 486(c); 41 U.S.C. 253; 42 U.S.C. 3535(d).

2. In Section 2415.304, paragraph (d)(3) is removed.

2415.304 [Amended]

3. The heading for subpart 2415.5 is revised to read as follows:

Subpart 2415.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

2415.613–72 [Removed]

4. Section 2415.613–72 is removed.

2415.10 [Removed]

5. Subpart 2415.10 is removed.

PART 2426—OTHER SOCIOECONOMIC PROGRAMS

6. The authority citation for part 2426 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2426.703 [Redesignated as 2426.7003]

7. Section 2426.703 is redesignated as 2426.7003.

PART 2432—CONTRACT FINANCING

8. The authority citation for part 2432 continues to read as follows:

Authority: 31 U.S.C. 3901–3906; 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

9. A new subpart 2432.1 and a new section 2432.114 are added to read as follows:

Subpart 2432.1—Non-Commercial Item Purchase Financing

2432.114 Unusual contract financing.

The Senior Procurement Executive is the agency had for the purpose of FAR 32.114.

10. A new subpar 2432.2 and a new section 2432.201 is added to read as follows:

Subpart 2432.2—Commercial Item Purchase Financing

2432.201 Statutory authority.

The head of the contracting activity is the agency head for the purpose of FAR 32.201.

11. A new section 2432.407 is added to read as follows:

2432.407 Interest.

(d) The Senior Procurement Executive is the agency head's designee for the purposes of FAR 32.407(d).

12. A new subpart 2432.7 and a new section 2432.703–3 is added to read as follows:

Subpart 2432.7—Contract Funding

2432.703–3 Contracts crossing fiscal years.

(b) The contracting officer may enter into a contract, exercise an option, or place an order under a contract for severable services for a period that begins in one fiscal year and ends in the next fiscal year if the period of the contract awarded, option exercised, or order placed does not exceed one year.

13. A new section 2432.903 is added to read as follows:

2432.903 Policy.

The Senior Procurement Executive is the agency head's designee for the purposes of FAR 32.903(b).

14. The heading for subpart 2451.70 is revised to read as follows:

Subpart 2451.70 Contractor Use of Government Discount Travel Rates.

PART 2452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

15. The authority citation for part 2452 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

16. In Section 2452.215–70, the first sentence and provision date are revised to read as follows:

2452.215–70 Proposal Content.

As prescribed in 2415.209(a), insert a provision substantially the same as the following:

Proposal Content (Feb. 2000)

* * * * *

2452.226–70 [Amended]

17. In section 2452.226–70, the reference to ''2426.703'' in the first sentence is revised to read ''2426.222–7003.''

Dated: December 30, 1999.

V. Stephen Carberry,

Chief Procurement Officer.

[FR Doc. 00–532 Filed 1–20–00; 8:45 am]

BILLING CODE 4210–01–P

Federal Register

Friday,
January 21, 2000

Part V

Department of Housing and Urban Development

48 CFR Part 2403, et al.
HUD Acquisition Regulation; Miscellaneous Revisions; Final Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

48 CFR Parts 2403, 2409, 2436, 2439, 2442, 2452, and 2453

[Docket No. FR–4291–F–02]

RIN 2535–AA25

HUD Acquisition Regulation; Miscellaneous Revisions

AGENCY: Office of the Chief Procurement Officer (CPO) DHUD.

ACTION: Final rule.

SUMMARY: This rule amends the Department of Housing and Urban Development (HUD) Acquisition Regulation (HUDAR) to implement changes applicable to HUD's procurement activities made in the Federal Acquisition Regulation since the HUDAR's last issuance and implements miscellaneous HUD procurement rules.

DATES: *Effective Date:* This rule is effective February 22, 2000, except for the addition of a part heading and authority citation for part 2439, which is effective September 22, 1999.

FOR FURTHER INFORMATION CONTACT: Frederick Graves, Policy and Field Operations Division, Office of Procurement and Contracts (Seattle Outstation), U.S. Department of Housing and Urban Development, Seattle Federal Office Building, 909 1st Avenue, Seattle, WA 98104–1000, telephone (206) 220–5122 extension 3450, FAX (206) 220–5406. Persons with hearing or speech impairments may access that number via TTY by calling the Federal Information Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: On August 23, 1999, at 64 FR 46103, the Department of Housing and Urban Development published a proposed rule making miscellaneous changes to the HUD Acquisition Regulation (HUDAR) and invited public comments for 60 days. No public comments were received on the proposed rule. HUD is adopting as final the proposed rule without change.

Findings and Certificates

Paperwork Reduction Act Statement

The information collection requirements contained in the HUDAR have been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), and have been assigned OMB approval number 2535–0091. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a valid control number.

Unfunded Mandates Reform Act

The Secretary has reviewed this rule before publication and by approving it certifies, in accordance with the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1532), that this rule does not impose a Federal Mandate that will result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year.

Regulatory Flexibility Act

The Secretary, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed and approved this rule, and in so doing certifies that this rule will not have a significant economic impact on a substantial number of small entities. Small businesses were specifically invited, however, to comment on whether this rule would significantly affect them, and persons were invited to submit comments according to the instructions in the **DATES** and **COMMENTS** sections in the preamble of the proposed rule. No comments were received.

Environmental Impact

This rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern or regulate real property acquisition, disposition, leasing, rehabilitation, alteration, demolition or new construction, or establish, revise or provide for standards for construction or construction materials, manufactured housing or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321). Accordingly, a Finding of No significant Impact is not required.

Executive Order 13132, Federalism

This final rule does not have federalism implications and does not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of Executive Order 13132 (entitled ''Federalism'').

Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks

This rule will not pose an environmental health risk or safety risk to children.

List of Subjects in 48 CFR Parts 2403, 2409, 2436, 2439, 2442, 2452, and 2453

Government procurement, HUD acquisition regulation.

1. The authority citation for part 2403 continues to read as follows:

Authority: 42 U.S.C. 3535(d).

2. Section 2403.670 is revised to read as follows:

2403.670 Solicitation provision and contract clause.

Insert the clause at 48 CFR 2452.203–70 in all solicitations and contracts.

PART 2409—CONTRACTOR QUALIFICATIONS

3. The authority citation for part 2409 continues to read as follows:

Authority: 40 U.S.C. 486(c); and 42 U.S.C. 3535(d).

4. Section 2409.507–1 is revised to read as follows:

2409.507–1 Solicitation provisions.

The Contracting Officer shall insert a provision substantially the same as the provision at 48 CFR 2452.209–70, Potential Organizational Conflicts of Interest, in all solicitations over the simplified acquisition limitation when the Contracting Officer has reason to believe that a potential organizational conflict of interest exists. The Contracting Officer shall describe the nature of the potential conflict in the provision.

5. Section 2409.507–2 is revised to read as follows:

2409.507–2 Contract clauses.

The Contracting Officer shall insert a clause substantially the same as the clause at 48 CFR 2452.209–71, Limitation on Future Contracts, in all contracts above the simplified acquisition threshold. The Contracting Officer shall describe in the clause the nature of the potential conflict, and the negotiated terms and the duration of the limitation.

PART 2436—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

6. The authority citation for part 2436 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

7. Paragraph (a)(2) of section 2436.602–2 is revised to read as follows:

2436.602–2 Evaluation boards.

(a) * * *

(2) The cognizant program office head for boards appointed at the field level.

* * * * *

8. Section 2436.602–4 is revised to read as follows:

2436.602–4 Selection authority.

(a) The final selection decision shall be made by the cognizant Primary Organization Head in headquarters, or field program office head.

9. A part heading and an authority citation are added for part 2439 reading as follows:

PART 2439—ACQUISITION OF INFORMATION TECHNOLOGY

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

10. In section 2439.107, a new paragraph (b) is added to read as follows:

2439.107 Contract clauses.

(b) The contracting officer shall insert the clause at 48 CFR 2452.239–71, Information Technology Virus Security, in solicitations and contracts under which the contractor will provide information technology hardware, software or data products.

PART 2442—CONTRACT ADMINISTRATION

11. The authority citation for part 2442 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

12. Section 2442.1106 is revised to read as follows:

2442.1106 Reporting requirements.

(a) All contracts for professional or technical services of a developmental or advisory nature exceeding $500,000 shall include a requirement for the use of systematic project planning and progress reporting. The Contracting Officer may require the use of such project planning and reporting systems for contracts below the above threshold.

13. Section 2442.1107 is revised to read as follows:

2442.1107 Contract clause.

The Contracting Officer shall insert a clause substantially the same as the clause at 48 CFR 2452.242–71, Project Management System, in solicitations and contracts for services as described in 2442.1106 expected to exceed $500,000. Use of this clause below the stated threshold is at the discretion of the Contracting Officer.

PART 2452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

14. The authority citation for part 2452 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2452.203–71 [Removed]

15. Section 2452.203–71 is removed.

16. Section 2452.209–70 is revised to read as follows:

2452.209–70 Potential organizational conflicts of interest.

As prescribed in 2409.507–1, the Contracting Officer may insert a provision substantially the same as follows in solicitations:

Potential Organizational Conflicts of Interest

(Feb. 2000)

(a) The Contracting Officer has determined that the proposed contract contains a potential organizational conflict of interest. Offerors are directed to FAR subpart 9.5 for detailed information concerning organizational conflicts of interest.

(b) The nature of the potential conflict of interest is [*Contracting Officer insert description*]:

(c) Offerors shall provide a statement which describes concisely all relevant facts concerning any past, present or planned interest (financial, contractual, organizational, or otherwise) relating to the work to be performed under the proposed contract and bearing on whether the offeror has a possible organizational conflict of interest with respect to:

(1) Being able to render impartial, technically sound, and objective assistance or advice, or

(2) Being given an unfair competitive advantage. The offeror may also provide relevant facts that show how its organizational structure and/or management systems limit its knowledge of possible organizational conflicts of interest relating to other divisions or sections of the organization and how that structure or system would avoid or mitigate such organizational conflict.

(d) No award shall be made until any potential conflict of interest has been neutralized or mitigated to the satisfaction of the Contracting Officer.

(e) Refusal to provide the requested information or the willful misrepresentation of any relevant information by an offeror shall disqualify the offeror from further consideration for award of a contract under this solicitation.

(f) If the Contracting Officer determines that a potential conflict can be avoided, effectively mitigated, or otherwise resolved through the inclusion of a special contract clause, the terms of the clause will be subject to negotiation.

(End of provision)

17. Section 2452.209–71 is revised to read as follows:

2452.209–71 Limitation on future contracts.

As prescribed in 2409.507–2, the Contracting Officer may insert a clause substantially the same as follows in solicitations and contracts for services:

Limitation on Future Contracts

(Feb. 2000)

(a) The Contracting Officer has determined that this contract may give rise to potential organizational conflicts of interest as defined at FAR subpart 9.5.

(b) The nature of the potential conflict of interest is [*Contracting Officer insert description*]:

(c) If the contractor, under the terms of this contract or through the performance of tasks pursuant to this contract, is required to develop specifications or statements of work that are to be incorporated into a solicitation, the contractor shall be ineligible to perform the work described in that solicitation as a prime or first-tier subcontractor under any ensuing HUD contract.

(d) Other restrictions—[*Contracting Officer insert description*].

(e) The restrictions imposed by this clause shall remain in effect until [*Contracting Officer insert period or date*].

(End of clause)

18. A new section 2452.239–71 is added to read as follows:

2452.239–71 Information Technology Virus Security.

As prescribed in 2439.107(b), insert the following clause:

Information Technology Virus Security

(Feb. 2000)

(a) The contractor hereby agrees to make every reasonable effort to deliver information technology products to HUD free of known computer viruses. The contractor shall be responsible for examining all such products prior to their delivery to HUD using software tools and processes capable of detecting all known viruses.

(b) The contractor shall include the following statement on deliveries of hardware, software, and data products, including diskettes, made under this contract:

[product description, part/catalog number, other identifier, and serial number, if any]

''This product has been scanned for known viruses using [name of virus-screening product, including version number, if any] and is certified to be free of known viruses at the time of delivery.''

(c) The Contracting Officer may assess monetary damages against the contractor sufficient to compensate HUD for actual or estimated costs resulting from computer virus damage or malicious destruction of computer information arising from the contractor's failure to take adequate precautions to preclude delivery of virus-containing products in the delivery of hardware, software, or data on diskettes under this contract.

(d) This clause shall not subrogate the rights of the Government under any other clause of this contract.
(End of clause)

19. Section 2452.242–71 is revised to read as follows:

2452.242–71 Project management system.

As prescribed in 2442.1107, insert the following clause:

Project Management System

(Feb. 2000)

(a) Within the time period specified elsewhere in this contract, or as directed by the Contracting Officer, the Contractor shall provide to the GTR and Contracting Officer a project management baseline plan and routine reports showing the Contractor's actual progress against the baseline plan.

(b) The project management system shall consist of two parts:

(1) *Baseline plan.* The baseline plan shall consist of—

(i) A narrative portion that:

(A) Identifies each task and significant activity required for completing the contract work, critical path activities, task dependencies, task milestones, and related deliverables;

(B) Describes the project schedule, including the period of time needed to accomplish each task and activity (see i(B));

(C) Describes staff (e.g., hours per individual), financial, and other resources allocated to each task and significant activity; and,

(D) Provides the rationale for project organization and resource allocation.

(ii) A graphic portion showing:

(A) Cumulative planned or budgeted costs of work scheduled for each reporting period over the life of the contract; and

(B) The planned start and completion dates of all planned and budgeted tasks and activities.

(2) *Progress reports.* Progress reports shall consist of:

(i) A narrative portion that:

(A) Provides a brief, concise summary of technical progress made and the costs incurred for each task during the reporting period; and (B) Identifies significant problems, or potential problems, their causes, proposed corrective actions, and the net effect on contract completion.

(ii) A graphic portion showing:

(A) The schedule status and degree of completion of the tasks, activities and deliverables shown in the baseline plan for the reporting period, including actual start and completion dates for all tasks and activities in the baseline plan;

(B) The costs incurred during the reporting period, the current total amount of costs incurred through the end date of the reporting period for budgeted work, and the projected costs required to complete the work under the contract.

(c) The formats, forms and/or software to be used for the project management system under this contract shall be [Contracting Officer insert appropriate language—''as prescribed in the schedule;'' ''a format, forms and/or software designated by the GTR;'' or, ''the contractor's own format, forms and/or software, subject to the approval of the GTR.'']

(End of clause)

PART 2453—FORMS

20. The authority citation for part 2453 continues to read as follows:

Authority: 40 U.S.C. 486(c); 42 U.S.C. 3535(d).

2453.242–70 [Removed]

21. Section 2453.242–70 is removed.

2453.242–71 [Removed]

22. Section 2453.242–71 is removed.

Dated: December 30, 1999.

V. Stephen Carberry,

Chief Procurement Officer.

[FR Doc. 00–531 Filed 1–20–00; 8:45 am]

BILLING CODE 4210–01–P

Federal Register

Friday,
January 21, 2000

Part VI

The President

Notice of January 19, 2000—Continuation of Emergency Regarding Terrorists Who Threaten To Disrupt the Middle East Peace Process

Federal Register
Vol. 65, No. 14
Friday, January 21, 2000

Presidential Documents

Title 3—

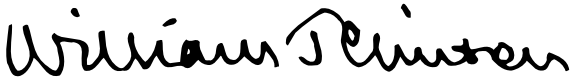
The President

Notice of January 19, 2000

Continuation of Emergency Regarding Terrorists Who Threaten To Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, I declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists that disrupt the Middle East peace process. By Executive Order 12947 of January 23, 1995, I blocked the assets in the United States, or in the control of United States persons, of foreign terrorists who threaten to disrupt the Middle East peace process. I also prohibited transactions or dealings by United States persons in such property. On August 20, 1998, by Executive Order 13099, I identified four additional persons, including Usama bin Ladin, who threaten to disrupt the Middle East peace process. I have annually transmitted notices of the continuation of this national emergency to the Congress and the **Federal Register**. Last year's notice of continuation was published in the **Federal Register** on January 22, 1999. Because terrorist activities continue to threaten the Middle East peace process and vital interests of the United States in the Middle East, the national emergency declared on January 23, 1995, and the measures that took effect on January 24, 1995, to deal with that emergency must continue in effect beyond January 23, 2000. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.

This notice shall be published in the **Federal Register** and transmitted to the Congress.



THE WHITE HOUSE,
January 19, 2000.

[FR Doc. 00–1709
Filed 1–20–00; 10:18 am]
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Air quality implementation plans; approval and promulgation; various States:
- Alaska; comments due by 1-28-00; published 12-29-99
- Delaware et al.; comments due by 1-27-00; published 12-28-99
- Indiana; comments due by 1-27-00; published 12-28-99
- Louisiana; comments due by 1-28-00; published 12-29-99
- Michigan; comments due by 1-24-00; published 12-16-99
- Missouri; comments due by 1-24-00; published 12-23-99

Confidential business information; elimination of special treatment for certain category; comments due by 1-26-00; published 12-21-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Glyphosate; comments due by 1-24-00; published 11-24-99

FEDERAL COMMUNICATIONS COMMISSION

Radio broadcasting:
- Digital audio systems; impact on terrestial radio service; comments due by 1-24-00; published 11-9-99

Radio stations; table of assignments:
- Georgia; comments due by 1-24-00; published 12-17-99
- New York; comments due by 1-24-00; published 12-17-99
- Texas; comments due by 1-24-00; published 12-20-99

Television broadcasting:
- Video description of video programming for individuals with visual disabilities; implementation; comments due by 1-24-00; published 12-1-99

FEDERAL ELECTION COMMISSION

Contirbution and expenditure limitations and prohibitions:
- Independent expenditures and party committee expenditure limitations; comments due by 1-24-00; published 12-9-99

GENERAL SERVICES ADMINISTRATION

Federal Acquisition Regulation (FAR):
- Constuction Industry Payment Protection Act; implementation; comments due by 1-27-00; published 12-28-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Food for human consumption:

Beverages—
Fruit and vegetable juices and juice products; HACCP procedures for safe and sanitary processing and importing; comments due by 1-24-00; published 11-23-99
Medical devices:
Surgeon's and patient examination gloves; reclassification; comments due by 1-27-00; published 10-28-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Group health plans; access, portability, and renewability requirements; comment request; comments due by 1-25-00; published 10-25-99
Medicare and Medicaid:
Elderly; all-inclusive care programs; comments due by 1-24-00; published 11-24-99
Medicare:
Methods to improve Medicare efficiency; suggestion program establishment; comments due by 1-25-00; published 11-26-99

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Housing programs:
Uniform physical condition standards and physical inspection requirements; insured and assisted properties; administrative process assessment; comments due by 1-25-00; published 11-26-99

INTERIOR DEPARTMENT

Land Management Bureau

Minerals management:
Mining claims or sites; location, recording, and maintenance; reporting and recordkeeping requirements; comments due by 1-24-00; published 10-26-99

INTERIOR DEPARTMENT

Assistance programs; administrative and audit requirements and cost principles:
On-the-job seat belt use; comments due by 1-26-00; published 12-27-99

INTERIOR DEPARTMENT

National Park Service

Special regulations:
Denali National Park and Preserve, AK; traditional activities definition; comments due by 1-25-00; published 1-19-00

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
New Mexico; comments due by 1-24-00; published 12-22-99
Pennsylvania; comments due by 1-26-00; published 12-27-99

JUSTICE DEPARTMENT

Prisons Bureau

Inmate control, custody, care, etc.;
Inmate financial responsibility program; spending limitations; comments due by 1-27-00; published 12-28-99

LABOR DEPARTMENT

Occupational Safety and Health Administration

Construction safety and health standards:
Fall protection; comments due by 1-24-00; published 9-24-99

LABOR DEPARTMENT

Pension and Welfare Benefits Administration

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NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

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Construction Industry Payment Protection Act; implementation; comments due by 1-27-00; published 12-28-99

NATIONAL CREDIT UNION ADMINISTRATION

Credit unions:
Truth in Savings Act—
Statement disclosures; delivery in electronic form; comments due by 1-25-00; published 11-26-99

NUCLEAR REGULATORY COMMISSION

Rulemaking petitions:
Nevada; comments due by 1-28-00; published 11-3-99

PERSONNEL MANAGEMENT OFFICE

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Child care costs for lower income employees; appropriated funds use; comments due by 1-24-00; published 12-23-99
Prevailing rate systems; comments due by 1-26-00; published 12-27-99

POSTAL SERVICE

Domestic Mail Manual:
Plant Verified Drop Shipment (PVDS) mailings; loading requirements; comments due by 1-24-00; published 12-23-99

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:
Evidence required for payment; comments due by 1-25-00; published 11-26-99

SECURITIES AND EXCHANGE COMMISSION

Investment companies:
Investment company boards of directors; independent directors role; comments due by 1-28-00; published 11-3-99

TRANSPORTATION DEPARTMENT

Coast Guard

Outer Continental Shelf activities:
Platforms in Gulf of Mexico; safety zone; comments due by 1-25-00; published 11-26-99

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

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Dowty Aerospace Propellers; comments due by 1-27-00; published 12-28-99
EMBRAER; comments due by 1-28-00; published 12-29-99
Fokker; comments due by 1-28-00; published 12-29-99
General Electric Co.; comments due by 1-25-00; published 11-26-99
Industrie Aeronautiche e Meccaniche; comments due by 1-27-00; published 12-22-99
Lockheed; comments due by 1-24-00; published 12-9-99
Pratt & Whitney; comments due by 1-24-00; published 11-24-99
Airworthiness standards:
Special conditions—
Boeing Model 777 series airplanes; comments due by 1-27-00; published 12-13-99
Class E airspace; comments due by 1-27-00; published 12-13-99
General rulemaking procedures:
Plain language and removal of redundant and outdated material; comments due by 1-28-00; published 12-14-99

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:
Diamond Mountain, CA; comments due by 1-25-00; published 11-26-99

TREASURY DEPARTMENT

Internal Revenue Service

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LIST OF PUBLIC LAWS

Note: The List of Public Laws for the first session of the 106th Congress has been completed and will resume when bills are enacted into law during the second session of the 106th Congress, which convenes on January 24, 2000.

A Cumulative List of Public Laws for the first session of the 106th Congress will be published in the **Federal Register** on December 30, 1999.

Last List December 21, 1999.