AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
LITTERA SCRIPTA MANET
1985

Federal Register

2–2–00 **Wednesday**
Vol. 65 No. 22 **Feb. 2, 2000**
Pages 4865–5218

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

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

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

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

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

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

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

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

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

The annual subscription price for the **Federal Register** paper edition is $555, or $607 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $220. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $8.00 for each issue, or $8.00 for each group of pages as actually bound; or $1.50 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

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

How To Cite This Publication: Use the volume number and the page number. Example: 65 FR 12345.

SUBSCRIPTIONS AND COPIES

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

Printed on recycled paper.

Contents

Federal Register

Vol. 65, No. 22

Wednesday, February 2, 2000

Administration on Aging
See Aging Administration

Aging Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Senior Medicare patrol projects, 4976

Agricultural Marketing Service
RULES
Almonds grown in—
California, 4867–4870
NOTICES
Beef promotion and research:
Cattlemen's Beef Promotion and Research Board; certification and nomination, 4943–4944
Meetings:
Tobacco Inspection Services National Advisory Committee, 4944

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service
See Forest Service
See Rural Housing Service

Animal and Plant Health Inspection Service
RULES
Plant-related quarantine, domestic:
Asian longhorned beetle, 4865–4866

Centers for Disease Control and Prevention
NOTICES
Organization, functions, and authority delegations:
Applied Research and Technology Division, 4976–4979

Chemical Safety and Hazard Investigation Board
NOTICES
Meetings; Sunshine Act, 4945

Coast Guard
PROPOSED RULES
Vocational rehabilitation and education:
Veterans education—
New criteria for approving courses, 4914–4918
NOTICES
Meetings:
Towing Safety Advisory Committee, 5011

Commerce Department
See National Oceanic and Atmospheric Administration
See Technology Administration

Comptroller of the Currency
PROPOSED RULES
Electronic banking; facilitation of national banks' use of new technologies; advance notice, 4895–4897

Consumer Product Safety Commission
NOTICES
Meetings; Sunshine Act, 4946

Defense Department
PROPOSED RULES
Acquisition regulations:
Cost accounting practices; changes; meeting, 4940
Vocational rehabilitation and education:
Veterans education—
Educational assistance; new criteria for approving courses, 4914–4918
NOTICES
Meetings:
Overseas Dependents' Schools National Advisory Panel, 4946–4947
Privacy Act:
Systems of records, 4947–4948
Small disadvantaged businesses; price evaluation adjustment; one-year suspension, 4948–4949
Travel per diem rates, civilian personnel; changes, 4949–4954

Drug Enforcement Administration
RULES
Schedules of controlled substances:
Exempt anabolic steroid products
Correction, 5024
PROPOSED RULES
Records, reports, and exports of listed chemicals:
Red phosphorus, 4913–4914
NOTICES
Applications, hearings, determinations, etc.:
ISP Freetown Fine Chemicals, Inc., 4998
Norac Company, Inc., 4999

Education Department
RULES
Postsecondary education:
Federal Supplemental Educational Opportunity Grant Program—
Relief from specific statutory and regulatory provisions, 4886–4887
NOTICES
Grants and cooperative agreements; availability, etc.:
Elementary and secondary education—
Foreign language assistance program; local educational agencies, 5170–5193
Foreign language assistance program; State educational agencies, 5146–5168

Energy Department
See Federal Energy Regulatory Commission
NOTICES
Powerplant and industrial fuel use; new electric powerplant coal capability:
Southaven Power, LLC, 4954–4955
Applications, hearings, determinations, etc.:
Williams Energy Service Co., 4954

Environmental Protection Agency
RULES
Air quality implementation plans; approval and promulgation; various States:
California, 4887–4891

Water pollution control:
Underground injection control program—
Class V wells; requirements for motor vehicle waste and industrial waste disposal wells and cesspools in ground water-based areas; correction, 5024
PROPOSED RULES
Water programs:
Water quality planning—
Management regulation listing requirements, 4919–4923
NOTICES
Air pollution control; new motor vehicles and engines:
Urban buses (1993 and earlier model years); retrofit/rebuild requirements; equipment certification—
Engelhard Corp., 4959–4965
Air programs:
State implementation plans; adequacy status for transportation conformity purposes—
Nevada, 4965–4966
Meetings:
Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); interim guidance, 4966
Science Advisory Board, 4966–4967
Scientific Counselors Board Executive Committee, 4967–4968
Toxicology testing initiative on styrene-acrylonitrile trimer; peer review workshop, 4968–4969
Pesticide registration, cancellation, etc.:
AgrEvo Environmental Health et al., 4969–4972
Water pollution control:
Virginia—
Continuing planning process; availability, 4972

Executive Office of the President
See Presidenttial Documents

Federal Aviation Administration
RULES
Airworthiness directives:
McDonnell Douglas; correction, 4870–4871
Class E airspace, 4871–4875
Standard instrument approach procedures, 4875–4881
PROPOSED RULES
Airworthiness directives:
Boeing, 4900–4902, 4904–4909
EMBRAER, 4897–4900
Empresa Brasilera de Aeronautica S.A., 4902–4903
Class E airspace, 4909–4912
Meetings:
Certification of Screening Companies, 4912–4913
Transport airplane fuel tank system design review, flammability reduction, and maintenance and inspection requirments; correction, 5024
NOTICES
Advisory circulars; availability, etc.:
(AC) 23-XX-32, Installation of Terrain Awareness and Warning Ststem (TAWS) approved under TSO-C151a for Part 23 airplanes, 5011–5012
Transport category airplanes—
Fuel tank ignition source prevention guidelines; fuel tank flammability minimization, 5012–5013
Exemption petitions; summary and disposition, 5013–5015
Meetings:
RTCA, Inc., 5015–5016
Passenger facility charges; applications, etc.:
Detroit Metropolitan Wayne County Airport, MI, 5016
Juneau International Airport, AK, 5016–5017
Orlando International Airport; FL, 5017
Rapid City Regional Airport, SD, 5018

Federal Communications Commission
RULES
Common carrier services:
Communications Act—
Apparent liability in subsequent proceedings; underlying facts, 4891
PROPOSED RULES
Radio services, special:
Personal locator beacons—
406.025 MHz authorizing use, 4935–4940
Satellite Home Viiewer Act; network nonduplication, syndicated exclusivity and sports blackout rules to satellite retransmissions, 4927–4935
Television broadcasting:
Improved model for predicting broadcast television field strength received at individual locations, 4923–4927
NOTICES
Agency information collection activities:
Proposed collection; comment request, 4972–4973
Submission for OMB review; comment request, 4973–4974
Meetings:
Technological Advisory Council, 4974
Rulemaking proceedings; petitions filed, granted, denied, etc., 4974

Federal Election Commission
NOTICES
Meetings; Sunshine Act, 4974–4975

Federal Energy Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Bigelow, John, 4956
Koch Gateway Pipeline Co., 4956–4957
Hydroelectric applications, 4957–4959
Hydroelectric applications; correction, 5024
Applications, hearings, determinations, etc.:
ANR Pipeline Co.; correction, 5024
Columbia Gas Transmission Corp., 4955
Kern River Gas Transmission Co., 4955
Tuscarora Gas Transmission Co., 4955
Williams Gas Pipelines Central, Inc., 4956

Federal Railroad Administration
NOTICES
Emergency orders:
Oregon Pacific Railroad Co., 5018–5019

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 4975
Permissible nonbanking activities, 4975–4976
Meetings; Sunshine Act, 4976

Fish and Wildlife Service
PROPOSED RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; subsistence taking, 5196–5213
Endangered and threatened species:
Cowhead Lake tui chub, 4940–4941
NOTICES
Endangered and threatened species permit applications, 4987–4989

Food and Drug Administration
RULES
Medical devices:
Gastroenterology-urology devices—
Penile rigidity implant; reclassification, 4881–4882
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 4979–4981
Medical devices:
Metallic plasma sprayed coating on orthopedic implants; industry guidance, 4981–4982
Patent extension; regulatory review period determinations—
Bapten, 4982–4983
Rotashield, 4983–4984
Reports and guidance documents; availability, etc.:
Seafood HACCP transition guidance, 4984–4985
Use of single-use devices:risk categorization scheme, 4985–4986

Forest Service
PROPOSED RULES
Alaska National Interest Lands Conservation Act; Title VIII implementation (subsistence priority):
Fish and wildlife; subsistence taking, 5196–5213

Health and Human Services Department
See Aging Administration
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Health Care Financing Administration
See Substance Abuse and Mental Health Services Administration
NOTICES
Federal claims; interest rates on overdue debts, 4976

Health Care Financing Administration
NOTICES
Meetings:
Medicare Coverage Advisory Committee Executive Committee, 4986–4987

Immigration and Naturalization Service
NOTICES
Environmental statements; notice of intent:
McAllen, TX; Operation Rio Grande; implementation, 4999

Indian Affairs Bureau
NOTICES
Judgement funds; plans for use and distribution:
Ramah Navajo Chapter vs. Bruce Babbitt, 4989–4996

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
See National Park Service
See Surface Mining Reclamation and Enforcement Office

Internal Revenue Service
NOTICES
Employee Retirement Income Security Act:
Annual Return/Report of Employee Benefit Plan (1999 Form 5500); computer scannable versions; adoption, 5026–5143
Health Insurance Portability and Accountability Act of 1996; implementation:
Expatriation; individuals losing United States chitizenship; quarterly list, 5020–5021

Justice Department
See Drug Enforcement Administration
See Immigration and Naturalization Service

Labor Department
See Pension and Welfare Benefits Administration

Land Management Bureau
NOTICES
Meetings:
Resource Advisory Councils—
Alaska, 4997
Lower Snake River District, 4996–4997
Realty actions; sales, leases, etc.:
Alaska, 4997
Wild horse removal:
Wyoming, 4997–4998

National Highway Traffic Safety Administration
NOTICES
Motor vehicle safety standards:
Noncorforming vehicles— 5019–5020

National Oceanic and Atmospheric Administration
RULES
Fishery conservation and management:
Alaska; fisheries of Exclusive Economic Zone—
Atka mackerel, 4893–4894
Pollock, 4891–4893
PROPOSED RULES
Fishery conservation and management:
Northeastern United States fisheries—
Deep-sea red crab fishery, 4941–4942
NOTICES
Marine mammals:
Incidental taking; authorization letters, etc.—
Beaufort Sea; ringed seals, 4945
Seabirds in longline fisheries; incidental catch reduction; national plan of action, 4945–4946

National Park Service
NOTICES
National Register of Historic Places:
Pending nominations, 4998

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Amergen Energy Co. LLC, 5001–5002
Meetings:
Standard review plan, 5002
Meetings; Sunshine Act, 5002
Applications, hearings, determinations, etc.:
Vermont Yankee Nuclear Power Corp., 4999–5001

Pension and Welfare Benefits Administration
NOTICES
Employee Retirement Income Security Act:
Annual Return/Report of Employee Benefit Plan (1999 Form 5500); computer scannable versions; adoption, 5026–5143

Pension Benefit Guaranty Corporation
NOTICES
Employee Retirement Income Security Act:
Annual Return/Report of Employee Benefit Plan (1999 Form 5500); computer scannable versions; adoption, 5026–5143

Postal Service
PROPOSED RULES
Domestic Mail Manual:
Commercial mail receiving agency; mail delivery, 4918–4919

Presidential

Presidental Documents
PROCLAMATIONS
Special observances
African American History Month, National (Proc. 7270), 5217–5218

Public Health Service
See Centers for Disease Control and Prevention
See Food and Drug Administration
See Substance Abuse and Mental Health Services Administration

Rural Housing Service
NOTICES
Grants and cooperative agreements; availability, etc.:
Section 538 Guaranteed Rural Rental Housing Program; correction, 4944

Securities and Exchange Commission
NOTICES
Agency information collection activities:
Proposed collection; comment request, 5002–5003
Decimalization implementation plan; order to submit, 5003–5006
Self-regulatory organizations; proposed rule changes:
Chicago Stock Exchange, Inc., 5006–5011

Small Business Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 5011

Substance Abuse and Mental Health Services Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 4987

Surface Mining Reclamation and Enforcement Office
RULES
Permanent program and abandoned mine land reclamation plan submissions:
Pennsylvania, 4882–4886

Technology Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
National Medal of Technology Nomination Evaluation Committee, 4946

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Railroad Administration
See National Highway Traffic Safety Administration

Treasury Department
See Comptroller of the Currency
See Internal Revenue Service

Veterans Affairs Department
PROPOSED RULES
Vocational rehabilitation and education:
Veterans educations—
New criteria for approving courses, 4914–4918
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 5021–5023
Meetings:
Scientific Review and Evaluation Board for Health Services Research and Development Service, 5023

Separate Parts In This Issue

Part II
Department of Labor, Pension and Welfare Benefits Administration; Department of Treasury, Internal Revenue Service, and Pension Benefit Guarantee Corporation, 5025–5143

Part III
Department of Education, 5145–5168

Part IV
Department of Education, 5169–5193

Part V
Department of Agriculture, Forest Service, 5195–5213

Part VI
The President, 5215–5218

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

CFR PARTS AFFECTED IN THIS ISSUE

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

3 CFR

Proclamations:

7270 5217

7 CFR

301 4865
981 4867

12 CFR

Proposed Rules:

Ch. I 4895

14 CFR

39 4870
71 (5 documents) 4871, 4872, 4873, 4874
97 (3 documents) 4875, 4877, 4879

Proposed Rules:

39 (5 documents) 4897, 4900, 4902, 4904, 4906
71 (3 documents) 4909, 4910, 4911
108 4912
109 4912
111 4912
129 4912
191 4912

21 CFR

876 4881

Proposed Rules:

1310 4913

30 CFR

938 4882

34 CFR

676 4886

36 CFR

Proposed Rules:

242 5196

38 CFR

Proposed Rules:

21 4914

39 CFR

Proposed Rules:

111 4918

40 CFR

52 4887

Proposed Rules:

130 4919

47 CFR

1 4891

Proposed Rules:

73 4923
76 4927
95 4935

48 CFR

Proposed Rules:

30 4940

50 CFR

679 (4 documents) 4891, 4892, 4893

Proposed Rules:

17 4940
100 5196
648 4941

Rules and Regulations

Federal Register
Vol. 65, No. 22
Wednesday, February 2, 2000

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–004–1]

Asian Longhorned Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the Asian longhorned beetle regulations by expanding the quarantined area in the city of Chicago, IL, and adding two new areas in Cook County, IL. As a result of this action, the interstate movement of regulated articles from those areas is restricted. This action is necessary on an emergency basis to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

DATES: This interim rule was effective January 27, 2000. We invite you to comment of this docket. We will consider all comments that we receive by April 3, 2000.

ADDRESSES: Please send your comment and three copies to: Docket No. 00–004–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. 00–004–1.

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

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

FOR FURTHER INFORMATION CONTACT: Mr. Ron Milberg, Operations Officer, Program Support, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

The Asian longhorned beetle (ALB) (*Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It is known to attack healthy maple, horse chestnut, birch, Rose of Sharon, poplar, willow, elm, locust, mulberry, chinaberry, apple, cherry, pear, and citrus trees. It may also attack other species of hardwood trees. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and debris of a half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing it. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately ⅜-inch diameter (about the size of a dime) that they bore through the trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery and forest products industries could experience severe economic losses.

The Asian longhorned beetle regulations (7 CFR 301.51–1 through 301.51–9, referred to below as the regulations) restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States. Portions of New York City and Nassau and Suffolk Counties in the State of New York and portions of the city of Chicago, DuPage County, and the Village of Summit in the State of Illinois are already designated as quarantined areas.

Recent surveys conducted by inspectors of Illinois State, county, and city agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that infestations of ALB have occurred outside the quarantined areas in the State of Illinois. Specifically, infestations of ALB have occurred outside the quarantined areas in the city of Chicago and in Park Ridge. Officials of the U.S. Department of Agriculture and officials of State, county, and city agencies in Illinois are conducting an intensive survey and eradication program in the infested areas. The State of Illinois has quarantined the infested areas and is restricting the intrastate movement of regulated articles from the quarantined areas to prevent the artificial spread of ALB within the State. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined area to prevent the artificial spread of ALB to other States and Canada.

The regulations in § 301.51–3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, in which ALB has been found by an inspector, in which the Administrator has reason to believe that ALB is present, or that the Administrator considers necessary to regulate because of its inseparability for quarantine enforcement purposes from localities where ALB has been found.

Less than an entire State will be designated as a quarantined area only if the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles and the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of ALB.

In accordance with these criteria and the recent ALB findings described above, we are amending § 301.51–3(c) by expanding the quarantined area in the city of Chicago and by quarantining two new portions of Cook County, IL. The expanded and new quarantined

areas are described in the rule portion of this document.

Emergency Action

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

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

Executive Order 12866 and Regulatory Flexibility Act

This emergency situation makes compliance with section 603 and timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. If we determine that this rule would have a significant economic impact on a substantial number of small entities, then we will discuss the issues raised by section 604 of the Regulatory Flexibility Act in our final regulatory flexibility analysis.

Executive Order 12372

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

Executive Order 12988

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

National Environmental Policy Act

An environmental assessment and finding of no significant impact have been prepared for this program. The assessment provides a basis for the conclusion that a Federal quarantine for ALB will not have a significant impact on the quality of the human environment. Based on the finding of no significant impact, the Administrator of the Animal and Plant Health Inspection Service has determined that an environmental impact statement need not be prepared.

The environmental assessment and finding of no significant impact are available for public inspection at USDA, room 1141, South Building, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. Persons wishing to inspect copies are requested to call ahead on (202) 690–2817 to facilitate entry into the reading room. In addition, copies may be obtained by writing to the individual listed under **FOR FURTHER INFORMATION CONTACT**, by calling the Plant Protection and Quarantine fax service at (301) 734–3560 and requesting document number 0023, or by visiting the following Internet site: *http://www.aphis.usda.gov/ppd/ead/ppqdocs.html.*

Paperwork Reduction Act

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

List of Subjects in 7 CFR Part 301

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

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

PART 301—DOMESTIC QUARANTINE NOTICES

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

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

2. In § 301.51–3, paragraph (c), the entry for the State of Illinois is amended as follows:

a. The entry for the City of Chicago is removed.

b. An entry for Cook County is added, in alphabetical order, to read as follows.

§ 301.51–3 Quarantined areas.

* * * * *

(c) * * *

Illinois

Cook County. That area in the Ravenswood community in the city of Chicago that is bounded as follows: Beginning at the intersection of North Central Avenue and West Bryn Mawr Avenue; then east along West Bryn Mawr Avenue to North Western Avenue; then east along an imaginary line through Rosehill Cemetery to the continuation of West Bryn Mawr Avenue; then east along West Bryn Mawr Avenue to Lakeshore Drive; then east along an imaginary line to the shoreline of Lake Michigan; then south along the shoreline of Lake Michigan to West Diversey Parkway; then west along West Diversey Parkway to West Diversey Avenue; then west along West Diversey Avenue to North Central Avenue; then north along North Central Avenue, along the east edge of the Bohemian National Cemetery and across Northeast Illinois University campus, to the point of beginning.

That area in the Kilbourn Park community in the city of Chicago that is bounded as follows: Beginning at the intersection of West Roscoe Street and North Knox Avenue; then north along North Knox Avenue to West Addison Street; then north along an imaginary line to West Patterson Avenue; then west along West Patterson Avenue to North Lamon Avenue; then south along North Lamon Avenue to West Addison Street; then south along an imaginary line to West Roscoe Street; then east along West Roscoe Street to the point of beginning.

That area in the city of Park Ridge that is bounded as follows: Beginning at the intersection of Devon Avenue and South Dee Road; then south along South Dee Road until it turns into North East River Road; then south along North East River Road to the Kennedy Expressway; then west along the Kennedy Expressway to the shoreline of the Des Plaines River; then north along the shoreline of the Des Plaines River to Devon Avenue; then east along Devon Avenue to the point of beginning.

* * * * *

Done in Washington, DC, this 27th day of January 2000.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 00–2273 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 981

[Docket No. FV99–981–4 FIR]

Almonds Grown in California; Revisions to Requirements Regarding Credit for Promotion and Advertising Activities

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule revising the requirements regarding credit for promotion and advertising activities prescribed under the administrative rules and regulations of the California almond marketing order (order). The order regulates the handling of almonds grown in California and is administered locally by the Almond Board of California (Board). The order is funded through the collection of assessments from almond handlers. Under the terms of the order's regulations, handlers may receive credit toward their assessment obligation for certain expenditures for marketing promotion activities, including paid advertising. This rule revises the requirements regarding the activities for which handlers may receive such credit by allowing maximum credit for promoting almond products, under certain conditions. The changes are intended to encourage and support almond product development and thus increase the demand for almonds. The changes also clarify existing regulations.

EFFECTIVE DATE: March 3, 2000.

FOR FURTHER INFORMATION CONTACT: Martin Engeler, Assistant Regional Manager, California Marketing Field Office, Marketing Order Administration Branch, F&V, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698, or E-mail: Jay.Guerber@usda.gov.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Order No. 981, as amended (7 CFR part 981), regulating the handling of almonds grown in California, hereinafter referred to as the ''order.'' The marketing order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

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

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

This rule continues in effect revisions to the requirements regarding credit for promotion and advertising activities prescribed under § 981.441 of the administrative rules and regulations of the order. The order is funded through the collection of assessments from almond handlers. Under the terms of the order's regulations, handlers may receive credit towards their assessment obligation for certain expenditures for marketing promotion activities, including paid advertising. This rule continues in effect revisions to the requirements regarding the activities for which handlers may receive such credit by allowing maximum credit for promoting almond products, under certain conditions. The changes also clarify existing regulations. The changes are intended to encourage and support almond product development and thus increase the demand for almonds. This rule was unanimously recommended by the Board at a meeting on July 12, 1999, with additional justification approved via facsimile vote during the week of August 30, 1999.

The order provides authority for the Board to incur expenses for administering the order and to collect assessments from handlers to cover these expenses. Section 981.41(a) provides authority for the Board to conduct marketing promotion projects, including projects involving paid advertising. Section 981.41(c) allows the Board to credit a handler's assessment obligation with all or a portion of his or her direct expenditures for marketing promotion, including paid advertising, that promotes the sale of almonds, almond products, or their uses. Section 981.41(e) allows the Board to prescribe rules and regulations regarding such credit for market promotion, including paid advertising activities. Those regulations are prescribed in § 981.441.

The Department implemented several Board-recommended changes to the regulations regarding the criteria that must be met for handlers to receive credit for their promotional activities in July 1999 (64 FR 41023; July 29, 1999). However, the Department did not implement one Board recommendation concerning credit for promoting almond products at that time because of concerns regarding the lack of specified criteria to be used in reviewing claims and concerns about the claims review process. The Board and its staff reconsidered the issue, further developed the concept, and submitted a revised recommendation addressing the Department's concerns. The Department issued an interim final rule published in the **Federal Register** on November 1, 1999, implementing the revised recommendation (64 FR 58763). This rule continues in effect the provisions of that interim final rule.

Prior to implementation of the interim final rule, regulations crediting handlers' promotion of almond products limited any such credit to the portion of the product weight represented by almonds, or the handler's actual payment, whichever was less. This limitation, previously specified in § 981.441(e)(iv), was included because it was believed that while promoting almond products was important, such activity might also promote and increase sales of other ingredients in the product. Therefore, the amount of credit handlers could receive was established at less than the maximum of 66⅔ percent. This maximum level is specified in § 981.441(a).

The almond industry has historically been one of rapid growth. Recent years have been no exception, as almond acreage has increased substantially in the last decade. When coupled with increasing yields, production is expected to achieve record levels in coming years. The industry is faced with the prospect of selling these larger crops at a profitable return to producers. In order to achieve this, it is recognized that consumption and demand for almonds must be increased. Because a substantial portion of almonds are used as ingredients, an important method of increasing almond consumption is through increasing the consumption of almond products.

The previous regulations allowing only partial credit for promotion of all almond products were believed to have created a disincentive for handlers to develop, create and promote almond products. Therefore, the Board recommended and the Department implemented revised regulations to allow maximum credit-back to handlers for promoting almond products, under certain conditions. This rule continues in effect those revised regulations.

Since November 2, 1999, the effective date of the interim final rule implementing these changes, handlers have been able to receive credit against their assessment obligations in an amount not to exceed 66⅔ percent of their proven expenditures for qualified activities for promotion of almond products. To receive this level of credit, the product must be owned or distributed by the handler and such ownership or distributorship must be stated on the package. Handler ownership or distributorship is required to eliminate the possible occurrence of utilizing industry funds to promote businesses outside the almond industry.

In addition, the product must display the handler's brand, or the words ''California Almonds'' on the primary, face label. This requirement is intended to ensure that the clear intent is to promote the consumption and use of California almonds, which is the basic requirement for all promotion under the almond order.

Under the rule, maximum credit is not allowed for promotion of mixed nut products. In the case of mixed nuts, and for other promotional activities of almond products that do not meet the aforementioned criteria, the amount of credit allowed continues to be the lesser of 66⅔ percent of the handler's actual payment or that portion of the product weight represented by almonds. Mixed nuts do not qualify for the maximum credit because the thrust of eligible credit-back promotion activities is to promote the consumption and use of California almonds, not other nuts. Also, many almond handlers are involved in handling and marketing other nuts, and almond funds could possibly be used to promote other nut industries and other nuts. Therefore, mixed nuts continue to be subject to the reduced level of credit-back based on the portion of the product weight represented by almonds. Accordingly, appropriate changes made by the interim final rule to § 981.441(e)(4) continue in effect unchanged.

Finally, this rule continues in effect specific language in the introductory text of § 981.441(e)(4) clarifying that no promotion of almonds or almond products shall be eligible for credit-back if the promotion results in price discounting of the handler's product. An example of price discounting is as follows. A retail store routinely places advertisements in a local newspaper for various products in an attempt to attract customers. The advertisement includes a handler's almonds. The handler makes arrangements with the retailer to pay for the advertisement. In essence, this ''discounts'' the price of the product to the retailer. While these types of arrangements occur, it is not the intent of promotion under the almond order to subsidize such activities through the credit-back program. Price discounting has not been allowed under the program, and this rule adds specific language to the regulations for clarity.

The Board recommended that these changes be applied retroactively to August 1, 1999. This would allow the revised regulations to apply to all promotional activities conducted from the beginning of the 1999–2000 crop year forward. The crop year began August 1, 1999, and ends July 31, 2000. Section 981.441 specifies the procedures that the Board follows in granting credit and billing handlers. The effective date of the interim final rule was November 2, 1999, and the provisions of the revised regulation will continue to be in effect from that date forward. Handler activities were conducted under program parameters in effect prior to the effective date of the interim final rule. Therefore, those parameters for activities conducted prior to the rule's effective date should be followed. Accordingly, handlers promoting products containing almonds prior to November 2, 1999, will be eligible to receive Credit-Back based on the portion of the product weight represented by almonds, or the handler's actual payment, whichever is less. For activities conducted on or after November 2, 1999, the activities must meet the revised criteria for handlers to be eligible to receive Credit-Back at the maximum of 66⅔ percent for promoting almond products. Submission of documentation should continue to be made in accordance with the provisions of the regulations as amended by the final rule that appeared in the July 29, 1999, **Federal Register** at 64 FR 41023.

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

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

There are approximately 105 handlers of California almonds who are subject to regulation under the order and approximately 6,000 almond producers in the regulated area. Small agricultural service firms have been defined by the Small Business Administration (13 CFR 121.601) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $500,000.

Based on the most current data available, about 54 percent of the handlers ship under $5,000,000 worth of almonds and 46 percent ship over $5,000,000 worth on an annual basis. In addition, based on acreage, production, and grower prices reported by the National Agricultural Statistics Service, and the total number of almond growers, the average annual grower revenue is approximately $195,000. In view of the foregoing, it can be concluded that the majority of handlers and producers of California almonds may be classified as small entities.

This rule continues in effect the provisions of an interim final rule made effective on November 2, 1999, revising the requirements regarding credit for promotion and advertising activities prescribed under § 981.441 of the administrative rules and regulations of the order, and clarifies the intent of one aspect of the existing regulations. The order is funded through the collection of assessments from almond handlers. Under the terms of the order's regulations, handlers may receive credit towards their assessment obligation for certain expenditures for marketing

promotion activities, including paid advertising. This rule continues in effect revisions to the requirements regarding the activities for which handlers may receive such credit by allowing maximum credit for promoting almond products, under certain conditions. The revisions also clarify existing regulations regarding disallowing promotional activities that result in price discounting. The changes are intended to encourage and support almond product development and thus increase the demand for almonds.

Prior to implementation of the interim final rule on November 2, 1999, regulations concerning crediting handlers' promotion of almond products limited any such credit to the portion of the product weight represented by almonds, or the handler's actual payment, whichever is less. This limitation was included because it was believed that while promoting almond products was important, such activity may also promote and increase sales of other ingredients in the product. Therefore, the amount of credit handlers could receive was established at less than the maximum of 66⅔ percent. It is now believed that the potential for increasing demand for almonds by providing incentive through allowing maximum credit alleviates the prior concerns regarding promoting other ingredients.

Regarding the impact of this rule on affected entities, the changes specified herein regarding credit for product development are designed to provide incentive to almond handlers to create, develop, and promote almond products. Almonds are widely used as ingredients in other products, thus an important method of increasing almond consumption and demand is through increasing sales of almond products. Handlers in the almond industry will be rewarded for their innovation in developing almond products, while the entire industry will benefit from the resulting increased demand. Thus, the impact on all growers and handlers in the almond industry is expected to be positive. This is an additional tool for the industry to use to increase demand for their product in the face of increasing supplies.

The changes regarding price discounting clarify that handlers can not receive credit-back for promotional activities that result in price discounting of product. This activity has not been allowed under the regulations as it does not meet the intent of the program; the changes merely clarify the existing regulations. Disallowing price discounting results in a more efficient and effective use of industry promotion funds.

Alternatives to the changes were considered. One alternative was to leave the regulations as they existed prior to implementation of the interim final rule. However, this did not address the issue of providing incentive and encouragement to handlers to promote almond products. Another alternative was to allow maximum credit only for new or unique products, with the Board to determine what products fit that description. This alternative was initially recommended by the Board but was not implemented by the Department because of concerns regarding the lack of specified criteria to be used in reviewing claims, and concerns about the claims review process. A third alternative considered was to allow maximum credit-back for all promotions concerning almond products. However, it was determined that certain criteria should be applied to product promotions to meet the intent of the program, for the following reasons. To receive maximum credit-back, the product must be owned or distributed by the handler, to ensure that credit is not granted for promoting products or businesses outside the almond industry. Packages must be labeled with the handler's name or the words ''California Almonds'' to help ensure the intent is to promote the consumption and use of California almonds, which is the basic requirement for all promotion under the order. Mixed nuts are subject to a reduced level of credit-back because handlers are and can be involved in handling and marketing other nuts, and if maximum credit were allowed, this could result in almond industry funds being used to promote other nut industries and other nuts. Moreover, the thrust of eligible credit-back promotion activities is to promote the consumption of California almonds, not other nuts, and it would not be appropriate to give mixed nut products the full 66⅔ credit.

This rule imposes no additional reporting or recordkeeping requirements on either small or large almond handlers. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection requirements that are contained in this rule have been previously approved by the Office of Management and Budget (OMB) and have been assigned OMB No. 0581–0071. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Additionally, the Board meeting was widely publicized throughout the almond industry and all interested persons were invited to attend the meeting and participate in Board deliberations. Like all Board meetings, the July 12, 1999, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue. The Board itself is composed of 10 members, of which 5 are producers and 5 are handlers.

Also, the Board has a number of appointed committees to review certain issues and make recommendations to the Board. The Board formed a task force in July 1998 to review its credit-back advertising program. The task force met periodically during the following months to review the program and consider appropriate changes. The task force presented its recommendations to the Board's Public Relations and Advertising Committee on November 13, 1998, and that committee presented its recommendations to the Board on December 2, 1998, and March 5, 1999. The Department subsequently implemented all of the Board's recommended changes, except for those relating to almond products. The Board again recommended the changes associated with almond products on July 12, 1999, and its Public Relations and Advertising Committee and staff developed further clarification and justification for those changes which were approved by a Board facsimile vote during the week of August 30, 1999. All of these meetings were open to the public, and both large and small entities were able to participate and express their views.

An interim final rule concerning this action was published in the **Federal Register** on November 1, 1999. Copies of the rule were mailed to all Board members and almond handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended January 3, 2000. No comments were received.

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

After consideration of all relevant material presented, including the information and recommendation submitted by the Board and other available information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (64 FR 58763, November 1, 1999) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 981

Almonds, Marketing agreements, Nuts, Reporting and recordkeeping requirements.

PART 981—ALMONDS GROWN IN CALIFORNIA

Accordingly, the interim final rule amending 7 CFR Part 981 which was published at 64 FR 58763 on November 1, 1999, is adopted as a final rule without change.

Dated: January 27, 2000.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 00–2193 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–262–AD; Amendment 39–11463; AD 99–26–03 C1]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to certain McDonnell Douglas Model MD–11 series airplanes. That AD currently requires repetitive general visual inspections of the power feeder cables, terminal strip, fuseholder, and fuses of the galley load control unit (GLCU) within the No. 3 bay electrical power center to detect damage; and corrective actions, if necessary. This document revises the statement of the unsafe condition to correct the location of where potential smoke and fire may occur and to correct the description of the locations of the power feeder cables. This correction is necessary to ensure that operators have a clear understanding of the unsafe condition.

DATES: Effective: January 4, 2000.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of January 4, 2000 (64 FR 71001, December 20, 1999).

FOR FURTHER INFORMATION CONTACT: Brett Portwood, 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) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION: On December 7, 1999, the Federal Aviation Administration (FAA) issued AD 99–26–03, amendment 39–11463 (64 FR 71001, December 20, 1999), which applies to certain McDonnell Douglas Model MD–11 series airplanes. That AD requires repetitive general visual inspections of the power feeder cables, terminal strip, fuseholder, and fuses of the galley load control unit (GLCU) within the No. 3 bay electrical power center to detect damage; and corrective actions, if necessary. That AD was prompted by an incident of no power to the aft galleys and two incidents of sparking sounds coming from the aft galleys due to damage of the No. 3 and 4 wire assembly terminal lugs and overheating of the power feeder cables on the G3 GLCU. The actions required by that AD are intended to prevent such damage due to the accumulated effects over time from overheating of the power feeder cables on the G3 GLCU, which could result in smoke and fire in the G3 galley.

Need for the Correction

Although the unsafe condition described in AD 99–26–03 specified that smoke and fire could occur in the G3 galley, the FAA recently has obtained information indicating that the correct location is in the Central Accessory Compartment (CAC). This action also revises the statement of the unsafe condition to specify the correct location of the power feeder cable. The unsafe condition described in AD 99–26–03 specified the ''power feeder cable on the G3 galley load control unit (GLCU).'' The correct locations of the power feeder cables are on the No. 3 and 4 GLCU. Therefore, the statement of the unsafe condition has been revised to read, ''to prevent damage to the wire assembly terminal lugs and overheating of the power feeder cables on the No. 3. and 4 GLCU, which could result in smoke and fire in the CAC.

The FAA has determined that a correction to AD 99–26–03 is necessary. This action will provide operators with a clear understanding of the location where fire and smoke may occur if the specified unsafe condition is not prevented.

Correction of Publication

This document corrects the errors and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety for the convenience of affected operators. The effective date of the AD remains January 4, 2000.

Since this action only corrects the location of potential fire and smoke described in the description of the unsafe condition and revises certain associations with the power feeder wire assembly, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

List of Subject in 14 CFR Part 39

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

Adoption of the Correction

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 [Corrected]

2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

99–26–03 C1 McDonnell Douglas: Amendment 39–11463. Docket 99–NM–262–AD.

Applicability: Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A160, Revision 01, dated November 11, 1999; certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the

requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 damage to the wire assembly terminal lugs and power feeder cables due to the accumulated effects over time from overheating of the power feeder cables on the No. 3 and 4 galley load control unit (GLCU), which could result in smoke and fire in the central accessory compartment (CAC); accomplish the following:

(a) Within 60 days after the effective date of this AD, perform a general visual inspection of the power feeder cables, terminal strip, fuseholder, and fuses of the GLCU within the No. 3 bay electrical power center to detect damage (i.e., discoloration of affected parts or loose attachments) in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A160, dated August 30, 1999; or Revision 01, dated November 11, 1999.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(1) If no damage is detected during any inspection required by this AD, repeat the general visual inspection thereafter at intervals not to exceed 600 flight hours.

(2) If any damage is detected during any inspection required by this AD, prior to further flight, replace the power feeder cables, fuseholder, and/or fuses, as applicable, in accordance with the service bulletin. Repeat the general visual inspection thereafter at intervals not to exceed 600 flight hours.

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 Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Los Angeles ACO.

Note 3: 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.

Incorporation by Reference

(d) The actions shall be done in accordance with McDonnell Douglas Alert Service Bulletin MD11–24A160, dated August 30, 1999; or McDonnell Douglas Alert Service Bulletin MD11–24A160, Revision 01, dated November 11, 1999. The incorporation by reference was approved previously by the Director of the Federal Register as of January 4, 2000 (64 FR 71001, December 20, 1999). Copies may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Technical Publications Business Administration, Dept. C1–L51 (2–0). Copies may be inspected 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; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

(e) The effective date of this amendment remains January 4, 2000.

Issued in Renton, Washington, on January 26, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2091 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–42]

Modification of Class E Airspace; Marquette, MI; Revocation of Class E Airspace; Sawyer, MI, and K.I. Sawyer, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; delay of effective date.

SUMMARY: On December 3, 1999, the FAA published a final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI. An integral part of this airspace action is the decommissioning of the Marquette, MI, VHF Omnidirectional Range/Distance Measuring Equipment (VOR/DME) (MQT) and commissioning of the new Gwinn, MI, VOR/DME (GWI). In review of the delay in the commissioning, due to construction, of the new Gwinn VOR/DME, the effective date of this final rule is delayed until further notice.

EFFECTIVE DATE: The effective date of 0901 UTC, February 24, 2000 for the final rule published at 64 FR 67713 is delayed indefinitely. FAA will publish a document in the Federal Register establishing a new effective date.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION: On December 3, 1999, the FAA published a final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI (64 FR 67713). Due to a delay in construction, and subsequent commissioning, of the new Gwinn, MI, VOR/DME this airspace action cannot be implemented on the original effective date.

Accordingly, the effective date of the modification of the Class E airspace at Marquette, MI, and the revocation of the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI, is delayed until further notice. In consideration of the foregoing, the effective date of February 24, 2000, for the final rule modifying Class E airspace at Marquette, MI, and revoking the Class E airspace at Sawyer, MI, and K.I. Sawyer, MI (64 FR 67713, December 3, 1999) is delayed until further notice.

Dated: Issued in Des Plaines, Illinois on January 18, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2251 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–51]

Establishment of Class E Airspace; Garrison, ND

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Garrison, ND. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 13 and a GPS SIAP to Rwy 31 have been developed for Garrison Municipal Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approaches. This action creates controlled airspace for Garrison Municipal Airport.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, November 3, 1999, the FAA proposed to amend 14 CFR part 71 to establish Class E airspace at Garrison, ND (64 FR 59690). The proposal was to add controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the Earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 Rule

This amendment to 14 CFR part 71 establishes Class E airspace at Garrison, ND, to accommodate aircraft executing the proposed GPS Rwy 13 SIAP and the GPS Rwy 13 SIAP for Garrison Municipal Airport by creating controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air). Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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.

AGL ND E5 Garrison, ND [New]

Garrison Municipal Airport, ND
(Lat. 47°39′21″ N, long. 101°26′14″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Garrison Municipal Airport.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2255 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–53]

Modification of Class E Airspace; Bemidji, MN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Bemidji, MN. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 31 has been developed for Bemidji-Beltrami County Airport. Controlled airspace extending upward from the surface is needed to contain aircraft executing the approach. This action increases the radius of the existing controlled airspace for this airport.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, November 3, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Bemidji, MN (64 FR 59687). The proposal was to modify controlled airspace extending upward from the surface to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to proposal were received. Class E airspace designations for airspace areas extending upward from the surface are published in paragraph 6002 and Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Bemidji, MN, to accommodate aircraft executing the proposed GPS Rwy 31 SIAP for Bemidji-Beltrami County Airport by modifying the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 3 CFR, 1959–1963 Com., 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 6002 Class E airspace areas designated as a surface area for an airport.

* * * * *

AGL MN E2 Bemidji, MN [Revised]

Bemidji-Beltrami County Airport, MN
(Lat. 47°30′34″ N., long. 094°56′01″ W.)

Within a 4.6-mile radius of the Bemidiji-Beltrami County Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airman. The effective date and time will thereafter be continuously published in the Airport/facility Directory.

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

AGL MN E5 Bemidji, MN [Revised]

Bemidji-Beltrami County Airport, MN
(Lat. 47° 30′34″ N., long. 094°56′ 01″ W

That airspace extending upward from 700 fee above the surface within a 6.6-mile radius of Bemidiji-Beltrami County Airport.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2256 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–52]

Modification of Class E Airspace; Steubenville, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Steubenville, OH. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP), 293° helicopter point in space approach, has been developed for Trinity West Hospital. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action modifies the existing controlled airspace for Steubenville, OH, to the northeast in order to include the point in space approach serving Trinity West Hospital.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, November 3, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Steubenville, OH (63 FR 59689). The proposal was to modify controlled airspace extending upward from 700 to 1200 feet AGL to contain Instrument Flight Rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Steubenville, OH, to accommodate aircraft executing the proposed GPS SIAP 293° helicopter point in space approach for Trinity West Hospital by modifying the existing controlled airspace. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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.

* * * * *

AGL OH E5 Steubenville, OH [Revised]

Steubenville, Jefferson County Airport, OH
(Lat. 40°21′34″ N., long. 080°42′00″ W.

Trinity West Hospital, OH

Point In Space Coordinates
(Lat. 40°22′00″ N., long. 080°39′31″ W.)

That airspace extending upward from 700 feet above the surface within a 6.3-mile radius of Jefferson County Airport, and within a 6.0-mile radius of the point in space serving Trinity West Hospital, excluding the airspace within the Wheeling, WV, Class E airspace area.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2257 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–54]

Modification of Class E Airspace; Cooperstown, ND

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class E airspace at Cooperstown, ND. A review of the controlled airspace within the State of North Dakota indicated a small portion of Class G uncontrolled airspace in the vicinity of Cooperstown, ND. Controlled airspace extending upward from 1200 feet above ground level (AGL) is needed to allow the FAA to provide safe and efficient air traffic control services for aircraft executing enroute and terminal instrument procedures into and out of Grand Forks International Airport. This small portion of uncontrolled airspace, in the southwest quadrant of Grand Forks Approach Control airspace, causes confusion for both pilots and controllers and does not allow for consistent application of instrument flight rules in a critical area servicing the Grand Forks International Airport. This action eliminates the Class G airspace approximately 15 nautical miles to the southeast of Cooperstown Airport.

EFFECTIVE DATE: 0901 UTC, April 20, 2000.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

History

On Wednesday, November 3, 1999, the FAA proposed to amend 14 CFR part 71 to modify Class E airspace at Cooperstown, ND (64 FR 59689). The proposal was to modify controlled airspace extending upward from 1200 feet AGL to contain Instrument Flight rules (IFR) operations in controlled airspace during portions of the terminal operation and while transiting between the enroute and terminal environments. Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the Earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 Rule

This amendment to 14 CFR part 71 modifies Class E airspace at Cooperstown, ND, to accommodate aircraft executing instrument flight procedures into and out of Grand Forks International Airport by modifying the existing controlled airspace. A small portion of uncontrolled airspace to the southeast of Cooperstown Airport will be eliminated. The area will be depicted on appropriate aeronautical charts.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

Adoption of the Amendment

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

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 95665, 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.

* * * * *

AGL ND E5 Cooperstown, ND [Revised]

Cooperstown Municipal Airport, ND
(Lat. 47°25′22″ N., long. 098°06′21″ W.)
Devils Lake VOR/DME
(Lat. 48°06′55″ N., long. 098°54′45″ W.)
Fargo, Hector International Airport, ND
(Lat. 46°55′10″ N., long. 096°48′54″ W.)
Grand Forks AFB, ND
(Lat. 47°57′40″ N., long. 097°24′04″ W.)
Jamestown VOR/DME

(Lat. 46°55′58″ N., long. 098°40′44″ W.)
Valley City, Barnes County Municipal Airport, ND
(Lat. 46°56′28″ N., long. 098°01′03″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Cooperstown Municipal Airport and that airspace extending upward from 1,200 feet above the surface within an area bounded on the north by V430; on the northeast by the 34.0-mile radius of Grand Forks AFB; on the southeast by the 40.0-mile radius of Fargo, Hector International Airport; on the south by V2–510 east of Valley City, ND, the 7.9-mile radius of Valley City, Barnes County Municipal Airport, and V2–510 west of Valley City, ND; on the southwest by the 16.5-mile radius of the Jamestown VOR/DME; on the west by V170; and on the northwest by the 22.0-mile radius of the Devils Lake VOR/DME.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2258 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29908; Amdt. No. 1972]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAP's) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAP's, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAP's. The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 14 CFR 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Form 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAP's, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. The SIAP's contained in this amendment are based on the criteria contained in the United States Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports.

The FAA has determined through testing that current non-localizer type, non-precision instrument approaches developed using the TERPS criteria can be flown by aircraft equipped with a Global Positioning System (GPS) and/or Flight Management System (FMS) equipment. In consideration of the above, the applicable SIAP's will be altered to include ''or GPS or FMS'' in the title without otherwise reviewing or modifying the procedure. (Once a stand alone GPS or FMS procedure is developed, the procedure title will be altered to remove ''or GPS or FMS'' from these non-localizer, non- precision instrument approach procedure titles.)

The FAA has determined through extensive analysis that current SIAP's intended for use by Area Navigation (RNAV) equipped aircraft can be flown by aircraft utilizing various other types of navigational equipment. In consideration of the above, those SIAP's currently designated as ''RNAV'' will be redesignated as ''VOR/DME RNAV'' without otherwise reviewing or modifying the SIAP's.

Because of the close and immediate relationship between these SIAP's and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on January 21, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 continues to read:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113–40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

§§ 97.23, 97.27, 97.33, and 97.35 [Amended]

2. Amend 97.23, 97.27, 97.33 and 97.35, as appropriate, by adding, revising, or removing the following SIAP's, effective at 0901 UTC on the dates specified:

*** * *Effective February 24, 2000**

Anchorage, AK, Anchorage Intl, VOR or GPS RWY 6R, Amdt 12B, CANCELLED
Anchorage, AK, Anchorage Intl, VOR RWY 6R, Amdt 12B
Kingman, AZ, Kingman, VOR/DME or GPS RWY 21, Amdt 6A, CANCELLED
Kingman, AZ, Kingman, VOR/DME RWY 21, Amdt 6A
Georgetown, DE, Georgetown/Sussex County, VOR/DME RNAV or GPS RWY 22, Amdt 3A, CANCELLED
Georgetown, DE, Georgetown/Sussex County, VOR/DME RNAV RWY 22, Amdt 3A
Brunswick, GA, Brunswick/Glynco Jetport, NDB or GPS RWY 7, Amdt 10, CANCELLED
Brunswick, GA, Brunswick/Glynco Jetport, NDB, RWY 7, Amdt 10
Hutchinson, KS, Hutchinson Muni, VOR or GPS RWY 3, Amdt 18B, CANCELLED
Hutchinson, KS, Hutchinson Muni, VOR RWY 3, Amdt 18B
Hutchinson, KS, Hutchinson Muni, NDB or GPS RWY 13, Amdt 14B, CANCELLED
Hutchinson, KS, Hutchinson Muni, NDB RWY 13, Amdt 14B
Minden, LA, Minden-Webster, NDB or GPS RWY 1, Amdt 2, CANCELLED
Minden, LA, Minden-Webster, NDB RWY 1, Amdt 2
Minden, LA, Minden-Webster, NDB or GPS RWY 19, Amdt 2, CANCELLED
Minden, LA, Minden-Webster, NDB RWY 19, Amdt 2
Ava, MO, Ava Bill Martin Memorial, VOR/DME RNAV or GPS RWY 31, Amdt 1A, CANCELLED
Ava, MO, Ava Bill Martin Memorial, VOR/DME RNAV RWY 31, Amdt 1A
Grain Valley, MO, Grain Valley /East Kansas City, VOR/DME RNAV or GPS RWY 27, Amdt 1, CANCELLED
Grain Valley, MO, Grain Valley /East Kansas City, VOR/DME RNAV RWY 27, Amdt 1
Rolla/Vichy, MO, Rolla National, VOR/DME or GPS RWY 4, Amdt 2B, CANCELLED
Rolla/Vichy, MO, Rolla National, VOR/DME RWY 4, Amdt 2B
Gulfport, MS, Gulfport-Biloxi Regional, VOR/DME or TACAN or GPS RWY 14, Amdt 2a, CANCELLED
Gulfport, MS, Gulfport-Biloxi Regional, VOR/DME or TACAN RWY 14, Amdt 2a
Ahoskie, NC, Ahoskie/Tri-County, NDB or GPS RWY 1, Amdt 1D, CANCELLED
Ahoskie, NC, Ahoskie/Tri-County, NDB RWY 1, Amdt 1D
Hebron, NE, Hebron Muni, NDB or GPS RWY 12, Amdt 3A, CANCELLED
Hebron, NE, Hebron Muni, NDB RWY 12, Amdt 3A
Clovis, NM, Clovis Muni, NDB or GPS RWY 4, Amdt 3, CANCELLED
Clovis, NM, Clovis Muni, NDB RWY 4, Amdt 3
Clovis, NM, Clovis Muni, VOR or GPS RWY 22, Amdt 3, CANCELLED
Clovis, NM, Clovis Muni, VOR RWY 22, Amdt 3
Middletown, NY, Randall, VOR or GPS RWY 8, Amdt 5, CANCELLED
Middletown, NY, Randall, VOR RWY 8, Amdt 5
Newburgh, NY, Stewart Intl, VOR/DME RNAV or GPS RWY 16, Amdt 2A, CANCELLED
Newburgh, NY, Stewart Intl, VOR/DME RNAV RWY 16, Amdt 2A
Newburgh, NY, Stewart Intl, VOR/DME RNAV or GPS RWY 27, Amdt 1A, CANCELLED
Newburgh, NY, Stewart Intl, VOR/DME RNAV RWY 27, Amdt 1A
Elk City, OK, Elk City Muni, VOR/DME RNAV or GPS RWY 17, Amdt 2A, CANCELLED
Elk City, OK, Elk City Muni, VOR/DME RNAV RWY 17, Amdt 2A
Enid, OK, Enid Woodring Muni, VOR or GPS RWY 17, Amdt 12, CANCELLED
Enid, OK, Enid Woodring Muni, VOR RWY 17, Amdt 12
Tipton, OK, Tipton Muni, VOR/DME or GPS RWY 17, Orig, CANCELLED
Tipton, OK, Tipton Muni, VOR/DME RWY 17, Orig
Watonga, OK, Watonga, NDB or GPS RWY 17, CANCELLED
Watonga, OK, Watonga, NDB RWY 17
Woodward, OK, Woodward/West Woodward, NDB or GPS RWY 17, Amdt 3, CANCELLED
Woodward, OK, Woodward/West Woodward, NDB RWY 17, Amdt 3
Brookings, SD, Brookings Muni, VOR or GPS RWY 12, Amdt 11, CANCELLED
Brookings, SD, Brookings Muni, VOR RWY 12, Amdt 11
Brookings, SD, Brookings Muni, VOR or GPS RWY 30, Amdt 10, CANCELLED
Brookings, SD, Brookings Muni, VOR RWY 30, Amdt 10
Lewisburg, TN, Lewisburg/Ellington, VOR/DME RNAV or GPS RWY 20, Orig. CANCELLED
Lewisburg, TN, Lewisburg/Ellington, VOR/DME RNAV RWY 20, Orig
Angleton/Lake Jackson, TX, Angleton/Brazoria County, NDB or GPS RWY 17, Amdt 2, CANCELLED
Angleton/Lake Jackson, TX, Angleton/Brazoria County, NDB RWY 17, Amdt 2
Baytown, TX, Baytown/RWJ Airpark, VOR/DME or GPS RWY 32, Amdt 4, CANCELLED
Baytown, TX, Baytown/RWJ Airpark, VOR/DME RWY 32, Amdt 4
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, NDB or GPS RWY 12, Amdt 18, CANCELLED
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, NDB RWY 12, Amdt 18
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR OR GPS—A, Amdt 6, CANCELLED
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR—A, Amdt 6
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR or GPS—B, Amdt 6, CANCELLED
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR—B, Amdt 6
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR or GPS—C, Amdt 5, CANCELLED
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR—C, Amdt 5
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR/DME or GPS—D, Amdt 2, CANCELLED
Beaumont/Port Arthur, TX, Beaumont-Port Arthur/Southeast Texas Regional, VOR/DME—D, Amdt 2 College Station, TX, College Station/Easterwood Field, VOR/DME or GPS RWY 28, Amdt 12A, CANCELLED
College Station, TX, College Station/Easterwood field, VOR/DME, RWY 28, Amdt 12A
Georgetown, TX, Georgetown Muni, NDB or GPS RWY 18, Amdt 5, CANCELLED
Georgetown, TX, Georgetown Muni, NDB RWY 18, Amdt 5
Giddings, TX, Giddings-Lee County, NDB or GPS RWY 17, Amdt 2
Giddings, TX, Giddings-Lee County, NDB RWY 17
Giddings, TX, Giddings-Lee County, VOR/DME RNAV or GPS RWY 35, Amdt 1, CANCELLED
Giddings, TX, Giddings-Lee County, VOR/DME RNAV RWY 35, Amdt 1
Houston, TX, Houston-Southwest, VOR/DME RNAV or GPS RWY 9, Amdt 1B, CANCELLED
Houston, TX, Houston-Southwest, VOR/DME RNAV RWY 9, Amdt 1B

Houston, TX, Houston-Southwest, VOR/DME RNAV or GPS RWY 27, Amdt 2B, CANCELLED
Houston, TX, Houston-Southwest, VOR/DME RNAV RWY 27, Amdt 2B
Midland, TX, Midland Intl, NDB or GPS RWY 10, Amdt 10, CANCELLED
Midland, TX, Midland Intl, NDB RWY 10, Amdt 10
Waco, TX, Waco Regional, VOR or GPS RWY 14, Amdt 22, CANCELLED
Waco, TX, Waco Regional, VOR RWY 14, Amdt 22
Waco, TX, Waco Regional, NDB or GPS RWY 19, Amdt 18, CANCELLED
Waco, TX, Waco Regional, NDB RWY 19, Amdt 18
Waco, TX, Waco Regional, VOR/DME or GPS RWY 32, Amdt 14, CANCELLED
Waco, TX, Waco Regional, VOR/DME RWY 32, Amdt 14
Brigham City, UT, Brigham City, NDB or GPS RWY 34, Amdt 6A, CANCELLED
Brigham City, UT, Brigham City, NDB RWY 34, Amdt 6A
Ogden, UT, Ogden-Hinkley, VOR/DME RNAV or GPS RWY 3, Orig, CANCELLED
Ogden, UT, Ogden-Hinkley, VOR/DME RNAV RWY 3, Orig
Lyndonville, VT, Lyndonville/Caledonia County, NDB or GPS RWY 2, Amdt 3A, CANCELLED
Lyndonville, VT, Lyndonville/Caledonia County, NDB RWY 2, Amdt 3A
Guernsey, WY, Guernsey/Camp Guernsey, NDB or GPS RWY 32, Orig, CANCELLED
Guernsey, WY, Guernsey/Camp Guernsey, NDB RWY 32, Orig

[FR Doc. 00–2250 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29907; Amdt. No. 1971]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATE: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For examination:

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which affected airport is located; or
3. The Flight Inspection Area Office which originated the SIAP.

For Purchase: Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription: Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, US Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd, Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK 73125); telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notice to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally

current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, navigation (air).

Issued in Washington, DC on January 21, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS,MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

. . . *Effective Upon Publication*

FDC date	State	City	Airport	FDC No.	SIAP
01/03/00	MI	Pontiac	Oakland County Intl	0/0069	LOC BC Rwy 27L, Orig...corrects TL 00–03
01/05/00	TX	College Station	Easterwood Field	0/0132	VOR/DME or GPS Rwy 28, Amdt 12A...
01/05/00	TX	Harlingen	Valley Intl	0/0125	NDB or GPS Rwy 17R, Amdt 11...
01/05/00	TX	Harlingen	Valley Intl	0/0128	ILS Rwy 17R, Amdt 11A...
01/05/00	TX	Harlingen	Valley Intl	0/0129	LOC BC Rwy 35L, Amdt 12...
01/05/00	TX	Harlingen	Valley Intl	0/0130	NDB or GPS Rwy 17L, Amdt 5...
01/05/00	TX	Harlingen	Valley Intl	0/0131	VOR/DME or TACAN Rwy 31, Orig...
01/06/00	AK	King Salmon	King Salmon	0/0171	LOC/DME BC Rwy 29, Amdt 1A...
01/06/00	AR	Texarkana	Texarkana Regional—Webb Field.	0/0181	LOC BC Rwy 4, Amdt 12...
01/06/00	FL	Tampa	Vandenberg	0/0183	GPS Rwy 23, Orig–1A...
01/06/00	FL	Tampa	Vandenberg	0/0184	GPS Rwy 18, Amdt 1A...
01/06/00	MI	Lansing	Capital City	0/0169	VOR or GPS Rwy 6, Amdt 24...Replaces 01/0106
01/06/00	OH	New Philadelphia	Harry Clever Field	0/0164	VOR or GPS–A, Orig–A...
01/06/00	OH	New Philadelphia	Harry Clever Field	0/0165	VOR/DME or GPS–B, Amdt 2A...
01/06/00	OH	New Philadelphia	Harry Clever Field	0/0166	GPS Rwy 14, Orig...
01/06/00	TX	Waco	Waco Regional	0/0162	VOR/DME or GPS Rwy 32, Amdt 14...
01/07/00	AK	King Salmon	King Salmon	0/0197	VOR/DME or TACAN Rwy 29, Amdt 8...
01/07/00	MO	Butler	Butler Memorial	0/0194	GPS Rwy 18, Orig–A...
01/07/00	MO	Butler	Butler Memorial	0/0195	VOR–A, Amdt 4...
01/07/00	MO	St Louis	Lambert—St Louis Intl	0/0193	ILS Rwy 6, Orig–B...
01/07/00	NH	Lebanon	Lebanon Muni	0/0204	VOR or GPS Rwy 25, Orig–A...
01/07/00	NY	Westhampton Beach.	The Francis S. Gabreski	0/0222	NDB or GPS Rwy 24, Amdt 3A...
01/07/00	NY	Westhampton Beach.	The Francis S. Gabreski	0/0223	ILS Rwy 24, Amdt 8B...
01/07/00	OH	Dayton	Greene County—Lewis A. Jackson Regional.	0/0214	NDB Rwy 25, Orig...
01/07/00	OH	Dayton	Greene County—Lewis A. Jackson Regional.	0/0215	GPS Rwy 7, Orig...
01/07/00	OH	Portsmouth	Greater Portsmouth Regional	0/0217	GPS Rwy 36, Amdt 1A...
01/07/00	OH	Portsmouth	Greater Portsmouth Regional	0/0218	VOR/DME or GPS—, Amdt 5...
01/07/00	OK	Lawton	Lawton-Fort Sill Regional	0/0201	GPS Rwy 35, Orig...
01/07/00	OK	Lawton	Lawton-Fort Sill Regional	0/0202	VOR Rwy 35, Amdt 20...
01/10/00	AK	Homer	Homer	0/0246	LOC/DME Rwy 3, Amdt 9A...
01/10/00	AK	Homer	Homer	0/0247	GPS Rwy 3, Orig–A...
01/10/00	AK	Nome	Nome	0/0248	NDB/DME Rwy 2, Amdt 1...
01/10/00	GA	Marietta	Cobb County—McCollum Field.	0/0258	ILS Rwy 27, Orig–C...
01/10/00	GA	Marietta	Cobb County—McCollum Field.	0/0260	GPS Rwy 27, Orig–A...
01/10/00	GA	Marietta	Cobb County—McCollum Field.	0/0261	GPS Rwy 9, Orig...
01/10/00	IA	Jefferson	Jefferson Muni	0/0252	GPS Rwy 32, Orig...Replaces 0/0095
01/10/00	IA	Jefferson	Jefferson Muni	0/0253	GPS Rwy 14, Orig...Replaces 0/0096
01/10/00	IN	Gary	Gary/Chicago	0/0242	ILS Rwy 30, Amdt 4...
01/10/00	OH	Akron	Akron Fulton Intl	0/0269	NDB or GPS Rwy 25, Amdt 13...
01/10/00	OH	Akron	Akron Fulton Intl	0/0270	LOC Rwy 25, Amdt 13...
01/10/00	OH	Mansfield	Mansfield Lahm Muni	0/0264	NDB Rwy 32, Amdt 11A...
01/10/00	OH	Mansfield	Mansfield Lahm Muni	0/0265	VOR/DME RNAV or GPS Rwy 23, Amdt 6...

FDC date	State	City	Airport	FDC No.	SIAP
01/10/00	OH	Mansfield	Mansfield Lahm Muni	0/0266	ILS Rwy 32, Amdt 15A...
01/10/00	OH	Mansfield	Mansfield Lahm Muni	0/0267	VOR or GPS Rwy 32, Amdt 6...
01/10/00	OH	Mansfield	Mansfield Lahm Muni	0/0268	VOR or GPS Rwy 14, Amdt 13...
01/10/00	OH	Portsmouth	Greater Portsmouth Regional	0/0244	VOR/DME RNAV or GPS Rwy 18, Amdt 6A...
01/10/00	OK	Lawton	Lawton-Fort Sill Regional	0/0240	RADAR–1, Amdt 4...
01/11/00	MO	Springfield	Springfield-Branson Regional	0/0288	VOR or Tacan Rwy 20, Amdt 18...
01/11/00	TX	Brownsville	Brownsville/South Parde Island Intl.	0/0300	ILS Rwy 13R, Amdt 11A...
01/11/00	TX	Brownsville	Brownsville/South Parde Island Intl.	0/0301	LOC BC Rwy 31L, Amdt 11...
01/12/00	AK	Barrow	Wiley Post-Will Rogers Memorial.	0/0345	GPS Rwy 24, Orig...
01/12/00	MN	Thief River Falls	Thief River Falls Regional	0/0325	VOR/DME Rwy 31, Amdt 3A...
01/12/00	OH	Cincinnati	Cincinnati Muni—Lunken Field.	0/0326	NDB or GPS Rwy 25, Amdt 8...
01/12/00	OH	Columbus	Rickenbacker Intl	0/0343	ILS Rwy 23L, Orig–A...
01/12/00	OH	Waverly	Pike County	0/0335	GPS Rwy 25, Orig...
01/12/00	OH	Waverly	Pike County	0/0336	GPS Rwy 7, Orig...
01/12/00	OK	Guymon	Guymon Muni	0/0338	GPS Rwy 36, Orig...
01/12/00	TX	Brownsville	Brownsville/South Parde Island Intl.	0/0319	NDB or GPS Rwy 13R, Amdt 13...
01/13/00	AL	Tuscaloosa	Tuscaloosa Muni	0/0363	GPS Rwy 22 Orig...
01/13/00	AL	Tuscaloosa	Tuscaloosa Muni	0/0364	GPS Rwy 4 Orig–A...
01/13/00	OK	Guymon	Guymon Muni	0/0355	NDB Rwy 18, Amdt 5...
01/14/00	AK	Deadhorse	Deadhorse	0/0387	VOR/DME or Tacan Rwy 22, Amdt 2...
01/14/00	AK	Deadhorse	Deadhorse	0/0388	LOC/DME BC Rwy 22, Amdt 8...
01/14/00	AK	Sitka	Sitka Rocky Gutierrez	0/0375	LDA/DME Rwy 11, Amdt 13...
01/14/00	AK	Talkeetna	Talkeetna	0/0400	VOR/DME Rwy 36, Amdt 1A...
01/14/00	AK	Talkeetna	Talkeetna	0/0401	GPS Rwy 36, Orig...
01/14/00	AK	Talkeetna	Talkeetna	0/0404	NDB Rwy 36, Amdt 1A...
01/14/00	AK	Talkeetna	Talkeetna	0/0405	VOR–A Amdt 9A...
01/14/00	IN	South Bend	Michiana Regional Transportation Center.	0/0402	ILS Rwy 27L, Amdt 34A...
01/14/00	IN	South Bend	Michiana Regional Transportation Center.	0/0403	ILS Rwy 9R, Amdt 8A...
01/14/00	IN	South Bend	Michiana Regional Transportation Center.	0/0406	NDB or GPS Rwy 27L, Amdt 28A...
01/14/00	PA	Philadelphia	Northeast Philadelphia	0/0376	VOR or GPS Rwy 24, Amdt 18...
01/18/00	MN	Fairmont	Fairmont Muni	0/0444	VOR/DME Rwy 31, Amdt 1A...
01/18/00	MN	Fairmont	Fairmont Muni	0/0445	VOR/DME Rwy 31, Amdt 1A...
01/18/00	OH	Lima	Lima Allen County	0/0441	NDB or GPS Rwy 9, Amdt 2...
01/18/00	OH	Lima	Lima Allen County	0/0442	VOR or GPS Rwy 27, Amdt 14...
01/18/00	OH	Lima	Lima Allen County	0/0443	ILS Rwy 27, Amdt 2A...
01/18/00	TX	Brenham	Brenham Muni	0/0436	VOR/DME Rwy 16, Amdt 1A...
01/18/00	TX	Brenham	Brenham Muni	0/0438	GPS Rwy 34, Orig...
01/18/00	TX	Brenham	Brenham Muni	0/0439	NDB Rwy 16, Amdt 5A...
01/18/00	TX	Brownwood	Brownwood Regional	0/0447	LOC Rwy 17, Amdt 4...
01/18/00	TX	Brownwood	Brownwood Regional	0/0448	VOR or GPS Rwy 17, Amdt 11...
01/18/00	TX	Brownwood	Brownwood Regional	0/0449	VOR/DME or GPS Rwy 35, Amdt 1A...
01/18/00	WI	Appleton	Outagamie County Regional	0/0459	VOR/DME or GPS Rwy 21, Orig–A...

[FR Doc. 00–2249 Filed 2–1–00; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 29906; Amdt. No. 1970]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW, Washington, DC 20591;

2. The FAA Regional Office of the region in which the affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW, Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260–3, 8260–4, and 8260–5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 is effective upon publication of each separate SIAP as contained in the transmittal. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (NFDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs, the TERPS criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air traffic control, Airports, Navigation (air).

Issued in Washington, DC on January 21, 2000.

L. Nicholas Lacey,

Director, Flight Standards Service.

Adoption of The Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120, 44701; and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§97.23, 97.25, 97.27, 97.29, 97.31, 97.33, 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

Effective February 24, 2000

Rifle, CO, Garfield County Regional, LOC/DME–A, Amdt 6

Rifle, CO, Garfield County Regional, ILS RWY 26, Orig

Lawrenceville, IL, Lawrenceville-Vincennes Intl, RNAV RWY 9, Orig

Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR RWY 18, Amdt 1

Lawrenceville, IL, Lawrenceville-Vincennes Intl, RNAY RWY 18, Orig

Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR RWY 27, Amdt 7

Lawrenceville, IL, Lawrenceville-Vincennes Intl, RNAV RWY 27, Orig

Lawrenceville, IL, Lawrenceville-Vincennes Intl, VOR RWY 36, Amdt 1

Lawrenceville, IL, Lawrenceville-Vincennes Intl, RNAV RWY 36, Orig

Marshall, MO, Marshall Meml Muni, NDB RWY 36, Amdt 1

Marshall, MO, Marshall Meml Muni, RNAV RWY 18, Orig

Marshall, MO, Marshall Meml Muni, RNAV RWY 36, Orig

Lebanon, OH, Lebanon-Warren County, NDB–A, Amdt 5

Lebanon, OH, Lebanon-Warren County, RNAV RWY 1, Orig

Lebanon, OH, Lebanon-Warren County, RNAV RWY 19, Orig

Lubbock, TX, Lubbock Intl, NDB RWY 8, Amdt 1, CANCELLED

Martinsville, VA, Blue Ridge, LOC RWY 30, Orig

Martinsville, VA, Blue Ridge, SDF RWY 30, Amdt 2A, CANCELLED

Effective March 23, 2000

Minneapolis, MN, Minneapolis-St. Paul Intl (Wold-Chamberlain), NDB OR GPS RWY 4, Amdt 20

Minneapolis, MN, Minneapolis-St. Paul Intl (Wold-Chamberlain), ILS RWY 4, Amdt 27
Minneapolis, MN, Minneapolis-St. Paul Intl (Wold-Chamberlain), COPTER ILS RWY 30R, Orig
Beaumont, TX Beaumont Muni, GPS RWY 13, Orig

Effective April 20, 2000

Salisbury, MD, Salisbury-Ocean City Wicomico Regional, RNAV RWY 5, Orig
Salisbury, MD, Salisbury-Ocean City Wicomico Regional, RNAV RWY 14, Orig
Salisbury, MD, Salisbury-Ocean City Wicomico Regional, RNAV RWY 23, Orig
Salisbury, MD, Salisbury-Ocean City Wicomico Regional, RNAV RWY 32, Orig
Salisbury, MD, Salisbury-Ocean City Wicomico Regional, VOR/DME RNAV RWY 5, Amdt 3B, CANCELLED
Salisbury, MD, Salisbury-Ocean City Wicomico Regional, VOR/DME RNAV RWY 23, Amdt 3A, CANCELLED
Fulton, MS, Fulton-Itawamba County, VOR/DME OR GPS–A, Orig CANCELLED

The FAA published a notice in Docket No. 29863, Amdt No. 1964 to Part 97 of the Federal Aviation Regulations (Vol 64 FR No. 243 Page 71019 dated December 20, 1999) which is hereby amended as follows:

Marquette, MI, Sawyer Intl, GPS RWY 19, Orig is hereby rescinded.

[FR Doc. 00–2248 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 876

[Docket No. 97N–0481]

Gastroenterology-Urology Devices: Reclassification of the Penile Rigidity Implant

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is reclassifying the penile rigidity implant from class III to class II when intended to provide penile rigidity in men diagnosed as having erectile dysfunction. The special control is the FDA guidance document entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants.'' This action is taken on FDA's own initiative based on new information. This action is being taken under the Federal Food, Drug, and Cosmetic Act (the act), as amended by the Medical Device Amendments of 1976, the Safe Medical Devices Act of 1990, and the FDA Modernization Act of 1997.

DATES: This regulation is effective March 3, 2000.

FOR FURTHER INFORMATION CONTACT: John H. Baxley, Center for Devices and Radiological Health (CDRH) (HFZ–470), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2194.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of December 16, 1997 (62 FR 65770), FDA issued a proposed rule to reclassify the penile rigidity implant from class III to class II based on new information respecting such device. FDA identified the guidance document entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants'' as the special control capable of providing reasonable assurance of safety and effectiveness for the device.

Interested persons were given until March 16, 1998, to comment on the proposed rule. FDA received no comments on the proposed rule.

II. FDA's Conclusions

Based on a review of a substantial number of published studies referenced in the preamble to the proposed rule and placed on file in FDA's Dockets Management Branch, FDA identified the following risks to health presented by the device: (1) Infection; (2) erosion, migration, and extrusion; (3) mechanical malfunction; (4) patient dissatisfaction; (5) adverse tissue reaction; (6) prolonged or intractable pain; (7) urinary obstruction; (8) silicone particle migration; and (9) other infrequently reported complications.

In the preamble to the proposed rule, FDA also noted that there is reasonable knowledge of the benefits of the device. Specifically, placement of the penile rigidity implant in men with erectile dysfunction typically provides sufficient penile rigidity for sexual intercourse and satisfaction rates in excess of 90 percent have been reported among penile rigidity implant recipients.

Based on its review of the cited studies, FDA determined that the guidance document would address adequately the risks to health discussed above by: (1) Labeling that would provide information to physicians and patients for the proper implantation and care of the device; (2) biocompatibility testing that would control the risk of adverse tissue reaction; (3) mechanical testing that would help control the risks of erosion, migration, extrusion, mechanical malfunction, and prolonged or intractable pain; (4) clinical data requirements for 510(k)'s that would help determine whether the risks presented by the device are within the limits established by existing devices; and (5) sterilization procedures and labeling that would guard against the implantation of an unsterile device.

FDA has concluded that special controls, in addition to general controls, would provide reasonable assurance of the safety and effectiveness of the device and that the FDA guidance document entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants'' is an adequate special control.

III. Electronic Access to Guidance Document

In order to receive the guidance entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants'' 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 second voice prompt press 2, and then enter the document number (177) 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 draft guidance entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants,'' 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.

IV. Environmental Impact

The agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or

cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

V. Analysis of Impacts

FDA has examined the impacts of the final rule under Executive Order 12866 and the Regulatory Flexibility Act (5 U.S.C. 601–612) (as amended by subtitle D of the Small Business Regulatory Fairness Act of 1996 (Public Law 104–121)), and the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). The agency believes that this final rule is consistent with the regulatory philosophy and principles identified in the Executive Order. In addition, the final rule is not a significant regulatory action as defined by the Executive Order and so is not subject to review under the Executive Order.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. Reclassification of this device from class III to class II will relieve all manufacturers of the device of the cost of complying with the premarket approval requirements in section 515 of the act (21 U.S.C. 360e). Because reclassification will reduce regulatory costs with respect to this device, it will impose no significant impact on any small entities and it may permit small potential competitors to enter the marketplace by lowering costs. The agency, therefore, certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The rule also does not trigger the requirement for a written statement under section 202(a) of the Unfunded Mandates Reform Act because it does not impose a mandate that results in an expenditure of $100 million or more by State, local, or tribal governments in the aggregate, or by the private sector, in any one year. Therefore, under the Regulatory Flexibility Act, no further analysis is required.

VI. Paperwork Reduction Act of 1995

FDA has determined that this final rule does not contain any information collection requirements and, therefore, it is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1995.

List of Subjects in 21 CFR Part 876

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 876 is amended as follows:

PART 876—GASTROENTEROLOGY–UROLOGY DEVICES

1. The authority citation for 21 CFR part 876 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360l, 371.

2. Section 876.3630 is revised to read as follows:

§ 876.3630 Penile rigidity implant.

(a) *Identification*. A penile rigidity implant is a device that consists of a pair of semi-rigid rods implanted in the corpora cavernosa of the penis to provide rigidity. It is intended to be used in men diagnosed as having erectile dysfunction.

(b) *Classification*. Class II. The special control for this device is the FDA guidance entitled ''Guidance for the Content of Premarket Notifications for Penile Rigidity Implants.''

Dated: January 16, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–2148 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–123–FOR]

Pennsylvania Regulatory Program

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

ACTION: Final rule; approval of amendments.

SUMMARY: OSM is approving, with one exception, a proposed amendment to the Pennsylvania permanent regulatory program (Pennsylvania program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment responds to required amendments to the Pennsylvania program that are identified in OSM's approval of Pennsylvania's coal refuse disposal amendment on April 22, 1998 (63 FR 19802). The amendment is intended to revise the Pennsylvania program to be consistent with SMCRA and the Federal regulations.

EFFECTIVE DATE: February 2, 2000.

FOR FURTHER INFORMATION CONTACT: Robert J. Biggi, Director, Office of Surface Mining Reclamation and Enforcement, Harrisburg Field Office, Harrisburg Transportation Center, Third Floor, Suite 3C, 4th and Market Streets, Harrisburg, Pennsylvania 17101, Telephone: (717) 782–4036, Internet: bbiggi@osmre.gov.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program.
II. Submission of the Amendment.
III. Director's Findings.
IV. Summary and Disposition of Comments.
V. Director's Decision.
VI. Procedural Determinations.

I. Background on the Pennsylvania Program

On July 31, 1982, the Secretary of the Interior conditionally approved the Pennsylvania program. You can find background information on the Pennsylvania program including the Secretary's findings, the disposition of comments, and a detailed explanation of the conditions of approval in the July 30, 1982, **Federal Register** (47 FR 33050). You can find later actions on conditions of approval and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated September 14, 1995 (Administrative Record Number PA 837.01), Pennsylvania submitted an amendment to the Pennsylvania program. The amending language is contained in Pennsylvania House Bill 1075 and was enacted into Pennsylvania law as Act 1994–114. The amendments changed Pennsylvania's Coal Refuse Disposal Act (of September 24, 1968 (P.L. 1040, No. 318) and amended on October 10, 1980 (P.L. 807, No. 154)) to provide authorization for refuse disposal in areas previously affected by mining which contain pollutional discharges. We approved the amendments, with certain exceptions, on April 22, 1998 (63 FR 19802–19821). The April 22, 1998, notice contained seven required regulatory program amendments codified at 30 CFR 938.16 paragraphs (vvv) through (bbbb). On June 15, 1998 (63 FR 32615–32616), we corrected an inadvertent omission of a phrase at 30 CFR 938.16 paragraphs (vvv) through (bbbb), concerning the required Pennsylvania regulatory program amendments published in the

April 22, 1998, **Federal Register** notice at pages 19820–19821.

By letter dated May 22, 1998 (Administrative Record Number PA 837.72) Pennsylvania responded to the required regulatory program amendments codified at 30 CFR 938.16 (vvv) through (bbbb) by submitting three items: (1) Written clarifications relating to each of the required regulatory program amendments; (2) The draft text of a notice to be published in the *Pennsylvania Bulletin* intended to address one of the required amendments; and (3) A legal opinion from the Pennsylvania Department of Environmental Protection (PADEP) legal counsel confirming the PADEP's authority to implement the necessary change.

By letter dated July 15, 1998 (Administrative Record Number PA 837.74) we responded to PADEP's May 22, 1998, letter and stated that the clarifications can only be incorporated into the approved Pennsylvania program through formal rulemaking.

By letter dated August 17, 1998 (Administrative Record Number PA 837.80), the PADEP requested that we process the PADEP's May 22, 1998, letter as a program amendment. We opened the 30-day public comment period on August 28, 1998 (63 FR 45973). The comment period closed on September 28, 1998. No one asked to speak at a public hearing, so none was held.

III. Director's Findings

Following, according to SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17, are our findings concerning the Pennsylvania amendments.

1. Required Amendment Codified at 30 CFR 938.16(vvv)

This required amendment provides that the State must clarify the meaning of the term ''excess soil and related materials'' as that term is used in the definition of ''coal refuse activities'' at section 3(2.1) of the State's Coal Refuse Disposal Act. In response to the required amendment, the State provided the following clarification.

> The meaning of the term ''excess soil and related material'' as used in the definition ''coal refuse disposal activities'' in Section 3 of the Coal Refuse Disposal Control Act (CRDCA) is clarified to mean the rock, clay or other materials located immediately above or below a coal seam and which are extracted from a coal mine during the process of mining coal. The term does not include topsoil or subsoil. This clarification will be incorporated in regulations as they are developed.

As explained above by the State, the term ''excess soil and related material'' is not inconsistent with the intent of the Federal definition of ''underground development waste'' found in the Federal regulations at 30 CFR 701.5. Therefore, we find that the use of the term ''excess soil and related materials'' does not render the Pennsylvania program less stringent and can be approved. We will remove the required program amendment when the clarification is incorporated in regulations and those regulations are approved by OSM.

2. Required Amendment Codified at 30 CFR 938.16(www)

This required amendment concerns the application of the ''stream buffer zone rule'' at 30 CFR 816/817.57. The State responded and provided its explanation concerning this required amendment. However, OSM is assessing the impact of the stream buffer zone rule. This effort may ultimately result in changes that may affect Pennsylvania's program amendment. Therefore, we have decided to defer our decision on the State's proposal until the reassessment of the existing rule is complete.

3. Required Amendments Codified at 30 CFR 938.16(xxx) and (yyy)

A. The required amendment at 30 CFR 938.16(xxx) says that the State shall amend the Pennsylvania program to clarify, in the regulations to be developed to implement the provisions of section 6.2 of the State's Coal Refuse Disposal Act (as is required by Section 3.2(b) of the Coal Refuse Disposal Act), that preexisting discharges that are encountered must be treated to the State effluent standards at Chapter 90, subchapter D at 90.102.

In response to the required amendment at 30 CFR 938.16(xxx), the State provided the following clarification:

> The Department clarifies that preexisting discharges which are encoun-tered must be treated to the effluent standards of 25 Pa. Code § 90.102. This clarification will be incorporated in regulations governing Section 6.2 of the CRDCA as they are developed.

We find that the State's clarification, that under Section 6.2 of the Coal Refuse Disposal Act, preexisting discharges that are encountered must be treated to the State effluent standards at Chapter 90, subchapter D at 90.102, is not inconsistent with SMCRA, and is consistent with the Federal regulations at 30 CFR 816/817.42. Therefore, we will remove the required program amendment at 30 CFR 938.16(xxx) when the clarification is incorporated in regulations and those regulations are approved by OSM.

B. The required amendment at 30 CFR 938.16(yyy) says that the State shall amend the Pennsylvania program to clarify that subsection 6.2(h) of the Coal Refuse Disposal Act pertains to preexisting discharges that are not encountered.

In the April 22, 1998 **Federal Register** notice, we said that subsection 6.2(h) could be misinterpreted. Specifically, the language in the first sentence of subsection 6.2(h) which states that ''an operator required to treat preexisting discharges under subsection (g) will be allowed to discontinue treating * * *'' is unclear. Subsection 6.2(g) pertains to both discharges that are encountered and those that are not encountered, and the treatment standards are different for each. We interpreted the language in the first sentence of section 6.2(h) to pertain only to subsection 6.2(g)(1)(ii), which governs discharges that are not encountered. Therefore, we approved section 6.2(h) to the extent that it provides that an operator may only discontinue treating preexisting discharges that are not encountered when the operator demonstrates that the ''baseline'' pollution load is no longer being exceeded. Preexisting discharges that are encountered must be treated to the State water quality standards at Chapter 90, subchapter D at 90.102 (63 FR 19810). We also established the required amendment at 30 CFR 938.16(yyy).

In response to the required amendment at 30 CFR 938.16(yyy), the State provided the following clarification:

> The Department clarifies that subsection 6.2(h) of the CRDCA pertains to preexisting discharges which are not encountered. This clarification will be incorporated in regulations as they are developed.

We find that the State's clarification, that subsection 6.2(h) of the CRDCA pertains to preexisting discharges which are not encountered, would be consistent with our interpretation of that provision as stated in the April 22, 1998, **Federal Register** notice.

Therefore, we will remove the required program amendment at 30 CFR 938.16(yyy) when the clarification is incorporated in regulations governing Section 6.2 of the CRDCA and those regulations are approved by OSM.

4. Required Amendment Codified at 30 CFR 938.16(zzz)

The required amendment at 30 CFR 938.16(zzz) says that the State must amend the Pennsylvania program to be no less effective than 30 CFR

816.116(b)(5), by limiting the application of the revegetation standards under subsection 6.2(k) of the CRDCA to areas that were previously disturbed by mining and that were not reclaimed to the State reclamation standards.

In the April 22, 1998, finding on subsection 6.2(k), we said that the State provision lacks a requirement found in 30 CFR 816(b)(5). Specifically, subsection 6.2(k) lacks the requirement that, to qualify for the revegetation standards for areas that were previously disturbed by mining, the area that was previously disturbed by mining must not have been reclaimed to the State's permanent program performance standards. To be no less effective than 30 CFR 816.116(b)(5), the State needs to limit the application of the standards at subsection 6.2(k) to areas that were previously disturbed by mining and that were not reclaimed to the State reclamation standards (63 FR 19811). In addition, we added the required amendment at 30 CFR 938.16(zzz).

In response to the required amendment at 30 CFR 938.16(zzz), the State provided the following clarification:

> The Department clarifies that the revegetation standards of subsection 6.2(k) of the CRDCA are limited to areas previously disturbed by mining and which were not reclaimed to Pennsylvania's reclamation standards. This clarification will be incorporated in regulations as they are developed.

We find that, if implemented as the State has indicated above, section 6.2(k) would be consistent with our approval of that provision as stated in the April 22, 1998, **Federal Register** notice. Therefore, we will remove the required program amendment at 30 CFR 938.16(zzz) when the clarification is incorporated in regulations governing Section 6.2(k) of the CRDCA and those regulations are approved by OSM.

5. Required Amendment Codified at 30 CFR 938.16(aaaa)

The required amendment at 30 CFR 938.16(aaaa) says that the State must amend the Pennsylvania program to clarify that under subsection 6.2(l) of the CRDCA, a special authorization for coal refuse disposal operations will not be granted when such an authorization would result in the site being reclaimed to lesser standards than could be achieved if the moneys paid into the Fund, as a result of a prior forfeiture on the area, were used to reclaim the site to the standards approved in the original permit under which the bond moneys were forfeit.

Section 6.2(l) of the CRDCA says that forfeited funds in the Surface Mining Conservation and Reclamation fund (Fund) must be applied as a credit to the bond required for a special authorization. In the April 22, 1998, **Federal Register** notice, we said that if any forfeited Fund moneys for a particular site are sufficient to perform all outstanding reclamation obligations for the site, then the site should not be reclaimed to lesser reclamation standards under a special authorization. Therefore, we approved section 6.2(l) to the extent that the State will not approve a special authorization when the authorization would result in the site being reclaimed to lesser standards than could be achieved if the forfeited bond monies were used to reclaim the site to the standards approved in the original permit under which the bond monies were forfeited (63 FR 19811). We also established the required amendment at 30 CFR 938.16(aaaa).

In response to the required amendment at 30 CFR 938.16(aaaa), the State provided the following clarification:

> The Department clarifies that under subsection 6.2(l) of the CRDCA, a special authorization for coal refuse disposal operations will not be granted when such an authorization would result in the site being reclaimed to lesser standards than could be achieved if the monies paid into the Surface Mining Conservation and Reclamation Fund, as a result of a prior forfeiture on the area, were used to reclaim the site to the standards approved in the original permit under which the bond monies were forfeited. This clarification will be incorporated in regulations as they are developed.

We find that if implemented as the State has indicated above, section 6.2(l) would be consistent with our approval of that provision as stated in the April 22, 1998, **Federal Register** notice. Therefore, we will remove the required program amendment at 30 CFR 938.16(aaaa) when the clarification is incorporated in regulations governing Section 6.2(l) of the CRDCA and those regulations are approved by OSM.

6. Required Amendment Codified at 30 CFR 938.16(bbbb)

The required amendment at 30 CFR 938.16(bbbb) says that the State must amend the Pennsylvania program by adding implementing rules no less effective than 30 CFR 785.13, and no less stringent than SMCRA section 711 and which clarify that experimental practices are only approved as part of the normal permit approval process and only for departures from the environmental protection performance standards, and that each experimental practice receive the approval of the Secretary.

In the April 22, 1998, **Federal Register**, we approved section 6.3 of the CRDCA concerning experimental practices. However, section 6.3 is silent concerning the requirement to obtain approval from the Secretary for each experimental practice, and does not clarify that such practices are only approved as part of the normal permit approval process and only for departures from the environmental protection performance standards (63 FR 19812). Therefore, we established the required amendment at 30 CFR 938.16(bbbb).

In response to the required amendment at 30 CFR 938.16(bbbb), the State provided the following clarification:

> The Department clarifies that the Department will implement Section 6.3 of the CRDCA in a manner no less effective than 30 CFR § 785.13 and no less stringent than Section 711 of the Surface Mining Control and Reclamation Act and clarifies that experimental practices will only be approved as part of the normal permit approval process and only for departure from the environmental protection performance standards, and that each experimental practice must receive the approval of the Secretary of the United States Department of Interior. This clarification will be incorporated in regulations as they are developed.

We find that if implemented as the State has indicated above, section 6.3 would be consistent with our approval of that provision as stated in the April 22, 1998, **Federal Register** notice. Therefore, we will remove the required program amendment at 30 CFR 938.16(bbbb) when the clarification is incorporated in regulations governing Section 6.3 of the CRDCA and those regulations are approved by OSM.

IV. Summary and Disposition of Comments

Federal Agency Comments

Pursuant to 30 CFR 732.17(h)(11)(i), the Director solicited comments on the proposed amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program. The U.S. Department of Labor, Mine Safety and Health Administration (MSHA) responded and stated that the amendment does not conflict with existing MSHA regulations.

The U.S. Department of Agriculture, Natural Resources Conservation Service, and the U.S. Fish and Wildlife Service responded and commented on the State's response to the required amendment codified at 30 CFR 938.16(www) concerning stream buffer

zones. As discussed above in Finding 2, we are deferring our decision on this provision. Therefore, we are not responding to these comments at this time. We will fully address the comments from these agencies when we render our final decision on this provision.

Public and State Agency Comments

The following comments were received in response to the public comment period that closed on September 28, 1998. Two commenters provided general comments in support of the amendments. In addition, the commenters recommended that OSM reconsider its finding that the term ''significant'' in the Pennsylvania provision at section 6.1(h)(5) of Act 114 is less effective than the Federal requirements (see Finding 2, above). As discussed above in Finding 2, we are deferring our decision on this provision. Therefore, we are not responding to the comments concerning the required amendment codified at 30 CFR 938.16(www) at this time. We will fully address the comments from these commenters when we render our final decision on this provision.

A commenter stated that OSM's requirement that the State clarify that preexisting discharges must be treated to effluent standards seems to contradict the advantage to the environment of utilizing previously impacted areas for refuse disposal. The Director disagrees with the commenter's assertion, because the CRDA does not limit the term ''preexisting discharges'' to discharges caused by mining which occurred prior to SMCRA's effective date of August 3, 1977. Preexisting discharges which began after this date, and which are encountered by the present mining operation, must be treated to the effluent standards contained in Chapter 90, subchapter B at 90.102. Therefore, the required amendment at 30 CFR 938.16(xxx) will remain in place until this clarification is incorporated in regulations and those regulations are approved by OSM.

One commenter submitted general comments on the Pennsylvania program but did not address the specific issues in this rulemaking. Therefore, those comments will not be addressed in this notice.

Environmental Protection Agency (EPA)

Pursuant to 30 CFR 732.17(h)(11)(ii), OSM is required to obtain the written concurrence of the EPA with respect to those provisions of the proposed program amendment that relate to air or water quality standards promulgated under the authority of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or the Clean Air Act (42 U.S.C. 7401 *et seq.*). The Director has determined that EPA's concurrence is not required for this amendment, since changes to the State's regulations that relate to water quality standards must still be made before the required amendments at 30 CFR 938.16(www), (xxx) and (yyy) are satisfied. When the State submits these regulatory changes to OSM as a program amendment, OSM will seek EPA concurrence.

On August 20, 1998, OSM solicited EPA's comments on the proposed amendment (Administrative Record No. PA–837.81). The EPA did not provide any comments.

V. Director's Decision

Based on the above findings, the Director is approving, except as noted below, the proposed amendment as submitted by Pennsylvania on August 17, 1998.

We are deferring our decision on the State's response to the required amendment codified at 30 CFR 938.16(www).

The Federal regulations at 30 CFR Part 938, codifying decisions concerning the Pennsylvania program, are being amended to implement this decision. This final rule is being made effective immediately to expedite the State program amendment process and to encourage States to bring their programs into conformity with the Federal standards without undue delay. Consistency of State and Federal standards is required by SMCRA.

VI. Procedural Determinations

Executive Order 12866

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866 (Regulatory Planning and Review).

Executive Order 12988

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 (Civil Justice Reform) and has determined that, to the extent allowed by law, this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments since each such program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

National Environmental Policy Act

No environmental impact statement is required for this rule since section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Department of the Interior has determined that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal which is the subject of this rule is based upon corresponding Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. Accordingly, this rule will ensure that existing requirements previously promulgated by OSM will be implemented by the State. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the corresponding Federal regulations.

Unfunded Mandates

This rule will not impose a cost of $100 million or more in any given year on any governmental entity or the private sector.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: December 23, 1999.

Allen D. Klein,

Regional Director, Appalachian Regional Coordinating Center.

For the reasons set out in the preamble, Title 30, Chapter VII, Subchapter T of the Code of Federal Regulations is amended as set forth below:

PART 938—PENNSYLVANIA

1. The authority citation for Part 938 continues to read as follows:

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

2. Section 938.15 is amended in the table by adding a new entry in chronological order by ''Date of Final Publication'' to read as follows:

§ 938.15 Approval of regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* * *	* *
August 17, 1998	February 2, 2000	Letter from Pennsylvania to OSM dated August 17, 1998 (PA–837.80), except a decision on the required amendment at 30 CFR 938.16(www) is deferred.

[FR Doc. 00–2269 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF EDUCATION

34 CFR Part 676

Federal Supplemental Educational Opportunity Grant Program

AGENCY: Department of Education.

ACTION: Notice of relief from specific statutory and regulatory provisions.

SUMMARY: We announce relief from specific statutory and regulatory provisions governing the Federal Supplemental Educational Opportunity Grant (FSEOG) Program for the 1999–2000 and 2000–2001 award years. This statutory and regulatory relief applies to additional emergency FSEOG funds provided under recently enacted provisions of the Consolidated Appropriations Act for Fiscal Year 2000. These emergency FSEOG funds can be used only to assist individuals who suffered financial harm from Hurricanes Dennis and Floyd, and the flooding associated with these hurricanes, that struck the eastern United States in August and September 1999.

EFFECTIVE DATE: Febraury 2, 2000.

FOR FURTHER INFORMATION CONTACT: Kathy S. Gause, U.S. Department of Education, 400 Maryland Avenue, SW, Regional Office Building 3, Room 3045, Washington, DC 20202–5447. Telephone: (202) 708–8242. 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) by contacting the Alternate Format Center at (202) 260–9895.

SUPPLEMENTARY INFORMATION: Many student financial aid applicants and recipients have been adversely affected by Hurricanes Dennis and Floyd, and the flooding associated with these hurricanes. The President signed the Consolidated Appropriations Act for Fiscal Year 2000 (Pub. L. 106–113) on November 29, 1999, that provides an additional emergency appropriation of $10 million for allocations to institutions of higher education for Federal Supplemental Educational Opportunity Grants (FSEOGs) made under Title IV, part A, subpart 3, of the Higher Education Act of 1965, as amended (HEA). The additional emergency FSEOG funds are being specifically provided for the purpose of assisting students who have suffered financial harm as a result of Hurricane Dennis or Hurricane Floyd, and are for use during award years 1999–2000 and 2000–2001. We informed institutions of the means to request these emergency FSEOG funds in an announcement dated January 7, 2000, that was issued on the Information for Financial Aid Professionals (IFAP) Web site (http://ifap.ed.gov).

To facilitate the use of these additional emergency FSEOG funds, the Consolidated Appropriations Act also grants the Secretary authority to waive or modify any statutory or regulatory provisions, applicable to the FSEOG Program, necessary to assist individuals who suffered financial harm resulting from these natural disasters.

We have already provided certain regulatory relief to lenders and guaranty agencies in the Federal Family Education Loan Program under section 432(a)(6) of the HEA and 34 CFR 682.406(b) and 682.413(f). The guaranty agency directors were informed of this relief in a letter dated August 5, 1999 as Disaster Letter 99–28. We have also provided guidance for helping Title IV participants affected by Hurricane Floyd in a Dear Partner letter published in September 1999 as GEN–99–27.

Covered Individuals

This notice is intended to assist individuals who suffered financial harm as a result of Hurricanes Dennis and Floyd in 1999. This notice will apply only to students who, at the time of the disaster, were residing in, employed in, or attending an institution of higher education located in an area designated as a Federally declared natural disaster area (or, in the case of an individual who is a dependent student, whose parent or stepparent suffered financial harm from that disaster, and who resided or was employed in such an area at that time).

A list of those areas designated as a Federally declared natural disaster due to these hurricanes is available by State on the Federal Emergency Management Agency's (FEMA) Web site (http://www.fema.gov/library/diz99.htm). The nine States that had areas designated as a Federally declared natural disaster due to these hurricanes are Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, and Virginia.

This notice of statutory and regulatory relief will be applicable only for awards made under the FSEOG Program from the additional emergency appropriation of $10 million during the 1999–2000 and 2000–2001 award years (the periods from July 1, 1999 to June 30, 2000 and July 1, 2000 to June 30, 2001).

For the awarding of the additional emergency appropriation of $10 million in FSEOG funds allocated to institutions under the Consolidated Appropriations Act for Fiscal Year 2000, we provide the following waivers and modifications of specific statutory and regulatory provisions governing the FSEOG Program:

1. Section 413D of the HEA—Allocation of Funds and 34 CFR 673.4 Allocation and Reallocation of FSEOG Funds

To assist affected individuals, the Secretary has decided to modify the applicable statutory and regulatory

formula requirements for allocating FSEOG funds to institutions. During the 1999–2000 award year, the additional emergency FSEOG funds will be allocated for use during the 1999–2000 and 2000–2001 award years, to participating institutions from the designated States. An institution must submit a request, in the format and by the deadline required by the Secretary, for these funds to assist students enrolled at that institution who suffered financial harm as a result of Hurricane Dennis or Hurricane Floyd.

Also, to assist affected individuals, the Secretary has decided to waive the applicable statutory and regulatory penalty for unexpended FSEOG allocations. This penalty is being waived for these additional emergency FSEOG funds to best achieve the purpose of not having these funds impact future allocations. Therefore, the allocation from the additional emergency FSEOG funds will not be used in determining whether an institution returned more than 10 percent of its FSEOG allocation that would result in a reduction of its allocation for the second succeeding award year by the dollar amount unexpended. Upon the return of any of these funds to us, the institution must identify these funds as part of the additional amount of FSEOG funds awarded to institutions to assist individuals who suffered financial harm resulting from Hurricanes Dennis and Floyd and their aftermath.

2. Section 413C of the HEA Agreements With Institutions; Selection of Recipients and 34 CFR 676.10 Selection of Students for FSEOG Awards

To assist affected individuals, the Secretary has decided to waive the applicable statutory and regulatory priority order selection requirements for awarding FSEOG funds. The institution does not have to award these additional emergency FSEOG funds in lowest Expected Family Contribution order or give a priority to Federal Pell Grant recipients.

Also, to assist affected individuals, the Secretary has decided to waive the applicable statutory and regulatory requirements for offering a reasonable proportion of these emergency FSEOG funds to less-than-full-time and independent students. The institution may award these additional emergency FSEOG funds to an otherwise eligible student affected by Hurricane Dennis or Hurricane Floyd who demonstrates financial need.

The institution must document in the student's file that the funds awarded are part of these additional emergency FSEOG funds. The institution must also document in the student's file that the student, or the student's family, is from one of the designated areas and suffered financial harm as a result of Hurricane Dennis or Hurricane Floyd.

3. Section 413E of the HEA—Carryover and Carryback Authority and 34 CFR 676.18 Use of Funds

To assist affected individuals, the Secretary has decided to modify the applicable statutory and regulatory carry forward authority for the additional emergency FSEOG funds received for the 1999–2000 award year. The existing authority allows an institution to carry forward no more than 10 percent of its current award year FSEOG funds to spend in the next year. However, the institution may carry forward any amount of the emergency FSEOG funds necessary to be used in the 2000–2001 award year. Any of the additional emergency FSEOG funds that are not spent by the end of the 2000–2001 award year (June 30, 2001) must be returned to the Department.

4. Section 413C of the HEA—Agreements With Institutions; Selection of Recipients and 34 CFR 676.21 FSEOG Federal Share Limitations

To assist affected individuals, the Secretary has decided to waive the applicable statutory and regulatory requirement that the Federal share of FSEOG awards made by an institution may not exceed 75 percent. The Federal share for these additional emergency FSEOG funds may be 100 percent. The institution must document in its records that it used this waiver of the Federal share limitation requirement for these additional emergency FSEOG funds.

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 the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html
http://ifap.ed.gov/csb_html/fedlreg.htm

To use the PDF you must have the Adobe Acrobat Reader Program with Search, which is available free at the first 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

(Catalog of Federal Domestic Assistance Number: 84.007)

(**Legal Authority:** Pub. L. 106–113 and 20 U.S.C. 1082)

Dated: January 27, 2000.

Richard W. Riley,

Secretary of Education.

[FR Doc. 00–2234 Filed 1–28–00; 1:33 pm]

BILLING CODE 4000–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CA083–0214; FRL–6530–6]

Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, El Dorado County Air Pollution Control District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is finalizing three actions proposed in the **Federal Register** on October 5, 1999 concerning rules from the El Dorado County Air Pollution Control District (EDCAPCD). This final action will incorporate Rules 501, 520, 524, and 525 into the Federally approved State Implementation Plan (SIP). Today's action also will rescind 36 rules from the SIP. The intended effect of approving these rules is to regulate permitting of stationary sources in accordance with the requirements of the Act, as amended in 1990. EPA is finalizing the approval of these revisions into the California SIP under provisions of the Clean Air Act (CAA) regarding EPA action on SIP submittals, SIPs for national primary and secondary ambient air quality standards and plan requirements for nonattainment areas. EPA is also finalizing a limited approval and limited disapproval of Rule 523 under CAA provisions regarding EPA action on SIP submittals and general rulemaking authority because these revisions, while strengthening the SIP, also do not fully meet the CAA provisions regarding plan submissions and requirements for nonattainment areas. As a result of this limited disapproval, EPA will be required to impose highway funding or emission offset sanctions under the CAA unless the State submits and EPA approves corrections to the identified deficiencies within 18 months of the effective date of this disapproval. Moreover, EPA will

be required to promulgate a Federal implementation plan (FIP) unless the deficiencies are corrected within 24 months of the effective date of this disapproval.

EFFECTIVE DATE: This action is effective on March 3, 2000.

ADDRESSES: Copies of the rule(s) and EPA's evaluation report for each rule are available for public inspection at EPA's Region IX office during normal business hours. Copies of the submitted rule(s) are available for inspection at the following locations:

(1) EPA Region 9, 75 Hawthorne Street, San Francisco, CA 94105;
(2) California Air Resources Board, 2020 L Street, Sacramento, CA 95814;
(3) El Dorado County Air Pollution Control District, 2850 Fairlane Ct., Bldg. C, Placerville, CA 95667–4100.

FOR FURTHER INFORMATION CONTACT: Roger Kohn, Permits Office (AIR–3), Air Division, US Environmental Protection Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, Telephone: (415) 744–1238, E-mail: kohn.roger@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Rules Incorporated into EDCAPCD SIP
II. Background
III. Response to Public Comments
IV. EPA Action
V. Administrative Requirements
A. Executive Order 12866
B. Executive Order 13132
C. Executive Order 13045
D. Executive Order 13084
E. Regulatory Flexibility Act
F. Unfunded Mandates
G. Submission to Congress and the Comptroller General
H. National Technology Transfer and Advancement Act
I. Petitions for Judicial Review

I. Rules Incorporated into EDCAPCD SIP

The rules being approved into the California SIP include: EDCAPCD Rules 501 (General Permit Requirements), 520 (Enhanced Monitoring and Compliance Certification), 524 (Emission Reduction Credits), and 525 (Priority Reserve). EPA is also granting limited approval (and limited disapproval) to EDCAPCD Rule 523. These rules were submitted by the California Air Resources Board to EPA on May 24, 1994 (Rules 501, 523, 524, and 525) and October 13, 1995 (Rule 520).

II. Background

On October 5, 1999 in 64 FR 53973, EPA proposed to approve Rules 501, 520, 524, and 525 into the California SIP, and to rescind 36 rules from the SIP. EPA also proposed to grant limited approval (and limited disapproval) to Rule 523. A detailed discussion of the background for each of the above rules is provided in the proposed rule cited above.

EPA has evaluated the above rules for consistency with the requirements of the CAA and EPA regulations and EPA interpretation of these requirements as expressed in the various EPA policy guidance documents referenced in the proposed rule cited above. EPA has found that the rules meet the applicable EPA requirements, with the exception of four deficiencies in Rule 523. A detailed discussion of the rule provisions and evaluations, including the Rule 523 deficiencies, has been provided in the proposed rule and in the technical support document (TSD), dated September 16, 1999, which is available at EPA's Region IX office.

III. Response to Public Comments

A 30-day public comment period, which ended on November 4, 1999, was provided in 64 FR 18858. EPA received one comment letter on the proposed rulemaking, from EDCAPCD. The comments have been evaluated by EPA and a summary of the comments and EPA's responses are set forth below.

Comment: EDCAPCD agrees to change the offset ratio for emission reductions that occur at a source that is within a 15 mile radius and within the District to 1.3 to 1.0.

Response: EPA and EDCAPCD are in agreement on the necessity to revise Rule 523 to meet the offset ratio requirement of section 182(d)(2) of the CAA.

Comment: EDCAPCD contends that the offset requirements in Rule 523 are more stringent than CAA requirements. The District believes that by requiring a source to offset emission increases down to the trigger level once cumulative emission changes at the source exceed specific trigger levels, the rule achieves more emission reductions than the CAA and EPA regulations require. EDCAPCD submitted a hypothetical example to document this claim.

Response: The District and EPA use different methodologies to determine if offsets are required, and if so, how many. District Rule 523 establishes offset trigger levels and requires sources, once they have exceeded these levels, to offset all future increases in potential to emit down to the trigger level. The EPA method determines offset applicability on a per project basis by subtracting a source's pre-modification actual emissions from its post-modification potential to emit (while accounting for other creditable and contemporaneous emissions increases and decreases). If the resulting emission increase triggers offsets, the source must provide offsets for the entire amount of the emission increase. EPA agrees that in most cases, Rule 523 offset requirements are more stringent than CAA requirements. However, there is one scenario in which the rule is less stringent than the CAA: new major sources. An example of this would be a new 100 ton per year (tpy) NO_X source proposing to locate in the county. The CAA requires that such a source offset all emissions, *i.e.*, 100 tpy. However, according to the offset provisions of Rule 523, the new source would have to offset down to the trigger level of 7500 lb./quarter or 85 tpy, which is 15 tpy less than the federal requirement.

In order to address this limited approval issue, the District must revise Rule 523 to require that new major sources offset the total amount of their potential to emit, *i.e.*, down to zero.

Comment: The District's BACT definition is more stringent than EPA's because it does not require that a rule containing an emission limit or control technique be in a state implementation plan to qualify as BACT. The definition is more inclusive and thus more stringent than what EPA requires.

Response: The District BACT definition does not explicitly include the most stringent emissions limit contained in any SIP, which is part of the EPA definition of Lowest Achievable Emission Rate (California BACT). However, EDCAPCD has clarified in writing that the District interprets the BACT definition to include the SIP provision (see letters dated November 1, 1999 and November 29, 1999 from EDCAPCD to EPA, contained in the docket for this rulemaking). As a result, EPA agrees that this limited approval issue has been satisfied, and is not requiring the District to modify the BACT definition in Rule 523. Nevertheless, in order to clarify the definition, EPA encourages the District to revise the rule to make the SIP requirement an explicit part of the BACT definition.

Comment: The District cannot remove or change the offset exemption in Rule 523 because it is mandated by California Health and Safety Code 42301.2.

Response: EPA understands that EDCAPCD is in a difficult position because it appears that state law may conflict with the Clean Air Act with respect to this exemption. Nevertheless, EPA cannot approve a rule provision into the SIP that conflicts with the Act. EPA is willing to work with EDCAPCD and the State of California to help resolve this deficiency. However, the

deficiency must be addressed before EPA can grant full approval to Rule 523.

Comment: EDCAPCD questions EPA's authority to regulate interprecursor offset trading. Since there are no provisions addressing interprecursor offsets in the CAA or EPA regulations, EPA has no authority to regulate them. In addition, case-by-case EPA approval for trades would be a long, burdensome process.

Response: Section 173(c)(1) of the CAA requires that new or modified stationary sources offset emission increases of a given pollutant with reductions of the same pollutant. Since the CAA doesn't explicitly authorize interprecursor trading, a strict interpretation of the Act would prohibit air districts from allowing this practice at all in NSR rules.

Recent EPA policy has allowed interprecursor trading, particularly among ozone precursors in ozone nonattainment areas, if certain criteria are met. Consistent with this policy, the District has two possible ways to address this limited disapproval issue when it revises Rule 523. One way is to include rule language requiring written EPA concurrence for each proposed interprecursor trade. Alternatively, the District could produce a technical justification for various interprecursor offset ratios, and then revise Rule 523 to include those ratios. In this scenario, rule language requiring case-by-case EPA concurrence would not be necessary. Since the CAA does not explicitly authorize interprecursor trading, EPA's policy is to require Agency concurrence for such trades, either on a case-by-case or one time only basis if appropriate ratios are established by rule.

With respect to the amount of time required for EPA to concur on a specific trade in the case-by-case scenario, EPA would have to make its determination during the comment period provided for the draft permit. This would not delay the permit issuance process.

IV. EPA Action

EPA is finalizing this action to approve Rules 501, 520, 524, and 525 for inclusion into the California SIP, to rescind 36 rules from the SIP, and to amend 40 CFR 52.232 to delete an obsolete requirement. EPA is approving the submittal under section 110(k)(3) as meeting the requirements of section 110(a) and parts C and D of the CAA. This approval action will incorporate these rules into the Federally approved SIP. The intended effect of approving these rules is to regulate stationary sources in accordance with the requirements of the CAA.

EPA is also finalizing a limited approval and a limited disapproval of Rule 523. The limited approval of this rule is being finalized under section 110(k)(3) in light of EPA's authority pursuant to section 301(a) to adopt regulations necessary to further air quality by strengthening the SIP. The approval is limited in the sense that the rule strengthens the SIP. However, the rule does not meet the section 182(a)(2)(A) CAA requirement because of the rule deficiencies which were discussed in the proposed rulemaking. Thus, in order to strengthen the SIP, EPA is granting limited approval of Rule 523 under sections 110(k)(3) and 301(a) of the CAA. This action approves the rule into the SIP as a federally enforceable rule.

At the same time, EPA is finalizing the limited disapproval of Rule 523 because it contains deficiencies that have not been corrected as required by section 182(a)(2)(A) of the CAA, and, as such, the rule does not fully meet the requirements of part D of the Act. As stated in the proposed rule, upon the effective date of this final rule, the 18 month clock for sanctions and the 24 month FIP clock will begin. If the State does not submit the required corrections and EPA does not approve the submittal within 18 months of the effective date of the final rule, either the highway sanction or the offset sanction will be imposed at the 18 month mark. It should be noted that the rule covered by this **Federal Register** has been adopted by EDCAPCD and is currently in effect in the District. EPA's limited disapproval action will not prevent EDCAPCD or EPA from enforcing the rule.

V. Administrative Requirements

A. Executive Order 12866

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

B. Executive Order 13132

Executive Order 13132, Federalism (64 FR 43255, August 10, 1999) revokes and replaces Executive Orders 12612, Federalism and 12875, Enhancing the Intergovernmental Partnership. Executive Order 13132 requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This final rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

C. Executive Order 13045

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

This rule is not subject to Executive Order 13045 because it does not involve decisions intended to mitigate environmental health or safety risks.

D. Executive Order 13084

Under Executive Order 13084, Consultation and Coordination with Indian Tribal Governments, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes

substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation.

In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.'' Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

E. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities.

Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. Union Electric Co., v. U.S. EPA, 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2).

F. Unfunded Mandates

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

EPA has determined that the approval action promulgated does not include a Federal mandate that may result in estimated annual costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. This Federal action approves pre-existing requirements under State or local law, and imposes no new requirements. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action.

G. Submission to Congress and the Comptroller General

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

H. National Technology Transfer and Advancement Act

Section 12 of the National Technology Transfer and Advancement Act (NTTAA) of 1995 requires Federal agencies to evaluate existing technical standards when developing a new regulation. To comply with NTTAA, EPA must consider and use ''voluntary consensus standards'' (VCS) if available and applicable when developing programs and policies unless doing so would be inconsistent with applicable law or otherwise impractical.

The EPA believes that VCS are inapplicable to this action. Today's action does not require the public to perform activities conducive to the use of VCS.

I. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 3, 2000. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

Dated: January 14, 2000.

Nora L. McGee,

Acting Regional Administrator, Region IX.

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

PART 52—[AMENDED]

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

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

Subpart F—California

2. Section 52.220 is amended by adding paragraphs (c)(103)(xiii)(B), (c)(119)(i)(C), (c)(120)(i)(B), (c)(138)(ii)(D), (c)(197)(i)(E), and (c)(225)(i)(C)(*3*)to read as follows:

§ 52.220 Identification of plan.

* * * * *

(c) * * *

(103) * * *

(xiii) * * *

(B) Previously approved on May 27, 1982 and now deleted without replacement rule 501.

* * * * *

(119) * * *

(i) * * *

(C) Previously approved on May 27, 1982 and now deleted without replacement Rules 502 to 508, 510 to 513, 515, 517 to 519, and 521.

* * * * *

(120) * * *

(i) * * *

(B) Previously approved on July 7, 1982 and now deleted without replacement Rules 401 to 407, 410 to 411, 415 to 416, and 418 to 424.

* * * * *

(138) * * *

(ii) * * *

(D) Previously approved on November 18, 1983 and now deleted without replacement Rule 521.

* * * * *

(197) * * *

(i) * * *

(E) El Dorado County Air Pollution Control District.

(*1*) Rules 501, 523, 524, and 525 adopted on April 26, 1994.

* * * * *

(225) * * *

(i) * * *

(C) * * *

(*3*) Rule 520 adopted on June 27, 1995.

* * * * *

3. Section 52.232 is amended by removing and reserving paragraph (a)(15).

[FR Doc. 00–2177 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[CI Docket 95–6; FCC 99–407]

Use of Notices of Apparent Liability and Facts Underlying Notices of Apparent Liability in Subsequent Proceedings

AGENCY: Federal Communications Commission.

ACTION: Final rule; denial of petition for reconsideration.

SUMMARY: This document provides further interpretation of section 504(c) of the Communications Act of 1934, as amended. The Federal Communications Commission reiterated that it would continue its policy of not using the mere issuance of or failure to pay a Notice of Apparent Liability to the prejudice of a party. The Commission concluded, however, that using the underlying facts of a prior violation that shows a pattern of non-compliant behavior against a licensee in a subsequent renewal, forfeiture, transfer, or other proceeding does not cause the prejudice that Congress sought to avoid in section 504(c). This document also reverses the Commission's prior statement that no statutory violation can be deemed to be minor for purposes of making downward adjustments to forfeiture amounts.

FOR FURTHER INFORMATION CONTACT: Jacqueline Ellington, Enforcement Bureau, (202) 418–1160.

SUPPLEMENTARY INFORMATION: This is a synopsis of the *Memorandum Opinion and Order* denying reconsideration of *The Commission's Forfeiture Policy Statement and Amendment Of Section 1.80 of the Rules to Incorporate the Forfeiture Guidelines*, CI Docket 95–6, adopted December 21, 1999 and released December 28, 1999.

The complete text of this *Memorandum Opinion and Order* is available for inspection and copying during normal business hours in the FCC's Public Reference Center Room CY–A257, 445 12th Street, SW, Washington, DC 20554. The complete text may also be purchased from the Commission's duplication contractor, International Transcription Service, Inc., 1231 20th Street, NW, Washington, DC 20036; telephone (202) 857–3800, facsimile (202) 857–3805.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2141 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991223348–9348–01; I.D. 012700D]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the interim 2000 pollock total allowable catch (TAC) for Statistical Area 630 outside the Shelikof Strait conservation area established by the 2000 Interim Specifications and amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2000, until 1200 hrs, A.l.t., March 15, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228

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

The interim 2000 pollock TAC in Statistical Area 630 outside the Shelikof Strait conservation area as amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska (65 FR 3892, January 25, 2000) is 4,278 metric tons (mt), determined in accordance with § 679.20(c)(2)(i).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the interim TAC of pollock in Statistical Area 630 outside the Shelikof Strait conservation area will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 3,778 mt, and is setting aside the remaining 500 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance will soon be reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 630 outside the Shelikof Strait conservation area in the GOA.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately to prevent overharvesting the seasonal allocation of pollock in Statistical Area 630 outside the Shelikof Strait conservation area. Providing prior notice and an opportunity for public comment is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: January 27, 2000.

Gary C. Matlock,

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

[FR Doc. 00–2166 Filed 1–27–00; 5:01 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 9912223348–9348–01; I.D. 012700C]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in the Gulf of Alaska

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

ACTION: Inseason adjustment; request for comments.

SUMMARY: NMFS is adjusting the interim 2000 total allowable catch (TAC) of pollock in the Western and Central Regulatory Areas of the Gulf of Alaska (W/C GOA). This action is necessary to adjust the harvest of pollock, that, based on the best available scientific information, has been found by NMFS to be incorrectly specified.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2000, until 1200 hrs A.l.t. July 19, 2000. Comments must be received at the following address no later than 4:30 p.m., A.l.t., February 17, 2000.

ADDRESSES: Comments may be mailed to Sue Salveson, Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel. Comments will not be accepted if submitted via e-mail or Internet. Hand delivery or courier delivery of comments may be sent to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

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

The interim 2000 pollock TAC in the W/C GOA as amended by the emergency interim rule implementing Steller sea lion protection measures for the pollock fisheries off Alaska (65 FR 3892, January 25, 2000) are as follows: Western Regulatory Area (610) 5,465 metric tons (mt), Central Regulatory Area (620 outside Shelikof Strait) 3,252 mt, Central Regulatory Area (630 outside Shelikof Strait) 4,278 mt, and Shelikof Strait 14,366 mt.

In accordance with § 679.25(a)(2)(i)(B), the Administrator, Alaska Region, NMFS (Regional Administrator), is adjusting the interim TAC for pollock in the W/C GOA based on the best available scientific information and a determination that the current interim TACs are incorrectly specified.

On January 20, 2000, NFMS stock assessment scientists developed a revised procedure for more accurately allocating the pollock interim TAC by time and area in the Western and Central Regulatory areas as authorized under the emergency interim rule implementing Steller sea lion protection measure. To allocate TAC in Shelikof Strait the revised procedure uses the most recent winter Shelikof Strait acoustic survey (1998) and updated 1998 estimates of GOA pollock biomass west of 140° W. long. For the three areas outside of Shelikof Strait (Statistical area 610, Statistical area 620 outside Shelikof Strait, and Statistical area 630 outside Shelikof Strait) the distribution of pollock biomass is averaged from the last four summer surveys. The method of using the average distribution from the last four summer trawl surveys for purposes of spatial allocation was advocated by the Gulf of Alaska Groundfish Plan Team, reflected in the annual Stock Assessment and Fishery Evaluation (SAFE) report dated November 1999, and accepted by the North Pacific Fishery Management Council's Scientific and Statistical Committee. However, the revised procedure distinguishes the management areas inside and outside Shelikof Strait more accurately than the previous method used to determine the allocation of TAC among areas of the W/C GOA under the interim harvest specification published with the emergency rule implementing Steller sea lion protection measures (65 FR 3892, January 25, 2000).

Based upon this information the Regional Administrator has determined that the current interim pollock TACs specified for the W/C GOA are incorrect. He is correcting the estimate of total GOA pollock biomass west of 140° W. long. from 933,000 mt to 958,000 mt as reflected in the most recent SAFE report, dated November 1999. After the interim harvest amount for the Shelikof Strait is calculated using the procedure set forth in the emergency rule implementing the Steller sea lion protection measures, the remainder of the combined W/C GOA pollock TAC is apportioned to those areas outside the Shelikof Strait as described above. This results in percentage apportionments of the remainder of the combined W/C GOA pollock TAC equal to 56.09 percent, 4.08 percent, and 39.83 percent to Statistical areas 610, 620 (outside Shelikof Strait), and 630 (outside Shelikof Strait), respectively. Table 5 in the emergency rule implementing Steller Sea lion protection measures specified interim pollock TACs for the W/C GOA and is accordingly corrected to read:

TABLE 5.—REVISED FIRST SEASONAL ALLOWANCES OF POLLOCK IN THE WESTERN (W) AND CENTRAL (C) REGULATORY AREAS OF THE GULF OF ALASKA (GOA)

Area	A season interim TAC (mt)
Species: Pollock [1]	
W (610)	7,498
C (620 outside Shelikof Strait)	546
C (630 outside Shelikof Strait)	5,325
Shelikof Strait	13,991
Total	27,360

[1] The pollock catch limit for the Shelikof Strait conservation zone is determined by calculating the ratio of the most recent estimate of pollock biomass in Shelikof Strait (489,900 mt) divided by the most recent estimate of total pollock biomass in the GOA (958,000 mt). This ratio is then multiplied by the pollock TAC in the A season for the combined Western and Central areas of the GOA (27,360 mt). The remainder of the combined W/C TAC in the A Season is apportioned among Regulatory Areas 610, 620, and 630 outside the Shelikof Strait based on the distribution of pollock outside the Shelikof Strait; 56.09%, 4.08%, and 39.83% respectively.

Classification

The Assistant Administrator for Fisheries, NOAA, finds for good cause that providing prior notice and public comment or delaying the effective date of this action is impracticable and contrary to the public interest. Without this inseason adjustment, the current interim seasonal allocation of pollock

TAC would promote an improper distribution of the fishery. Under § 679.25(c)(2), interested persons are invited to submit written comments on this action to the above address until February 17, 2000.

This action is required by §§ 679.20 and 679.25 and is exempt from review under E.O. 12866.

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

Dated: January 27, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–2165 Filed 1–27–00; 5:01 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991228352–0012–02; I.D. 012700A]

Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610

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

ACTION: Modification of a closure.

SUMMARY: NMFS is opening directed fishing for pollock by catcher vessels that are non-exempt under the American Fisheries Act (AFA) in Statistical Area 610 and the Shelikof Strait Conservation Area of the Gulf of Alaska (GOA). This action is necessary to allow non-exempt catcher vessels to participate in the pollock fishery in these areas consistent with regulations implementing the AFA.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2000.

FOR FURTHER INFORMATION CONTACT: Andrew Smoker, 907–586–7228.

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

The amount of the interim 2000 GOA AFA catcher vessel sideboard in Statistical Area 610 and the Shelikof Strait Conservation Area was established by the Emergency Interim Rule to Implement Major Provisions of the American Fisheries Act (published January 28, 2000), as 3,409 metric tons (mt) and 2,402 mt respectively in accordance with § 679.20(c)(2)(i).

The Administrator, Alaska Region, NMFS (Regional Administrator), has established a directed fishing allowance of 3,209 mt, and set aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries for this component of the fishery in Statistical Area 610. He also has established a directed fishing allowance of 2,202 mt, and set aside the remaining 200 mt as bycatch to support other anticipated groundfish fisheries for this component of the fishery in Shelikof Strait Conservation Area. These areas of the GOA were closed to directed fishing for pollock by non-exempt AFA vessels effective on January 21, 2000.

NMFS has determined that as of January 24, 2000, 3,209 mt remain in the directed fishing allowance for Statistical Area 610 and 2,000 mt remain in the directed fishing allowance for the Shelikof Strait Conservation Area. Therefore, NMFS is terminating the previous closure and is opening directed fishing for pollock by catcher vessels that are non-exempt under the AFA in Statistical Area 610 and the Shelikof Strait Conservation Area of the GOA.

Classification

All other closures remain in full force and effect. This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to allow participation of catcher vessels that are non-exempt under the AFA. Providing prior notice and opportunity for public comment for this action is impracticable and contrary to the public interest. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: January 27, 2000.

Gary C. Matlock,

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

[FR Doc. 00–2164 Filed 1–27–00; 5:01 pm]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 991223349–9349–01; I.D. 012700B]

Fisheries of the Exclusive Economic Zone Off Alaska; Atka Mackerel in the Eastern Aleutian District and Bering Sea Subarea of the Bering Sea and Aleutian Islands

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

ACTION: Closure.

SUMMARY: NMFS is prohibiting directed fishing for Atka mackerel with gears other than jig in the Eastern Aleutian District and the Bering Sea subarea of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the 2000 interim total allowable catch (ITAC) of Atka mackerel in these areas.

DATES: Effective 1200 hrs, Alaska local time (A.l.t.), January 27, 2000, until superseded by the Final 2000 Harvest Specification for Groundfish, which will be published in the **Federal Register**.

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

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

The Interim 2000 Harvest Specifications for Groundfish (65 FR 60, January 3, 2000) established the Atka mackerel ITAC for non-jig gear as 14,306 metric tons (mt) in the Eastern Aleutian District and the Bering Sea subarea. See §§ 679.20(c)(2)(ii) and 679.20(a)(8)(ii).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the ITAC for non-jig gear Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea will be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 13,806 mt, and is setting aside the remaining 500

mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance soon will be reached. Consequently, NMFS is prohibiting directed fishing for Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI.

Maximum retainable bycatch amounts may be found in the regulations at § 679.20(e) and (f).

Classification

This action responds to the ITAC limitations and other restrictions on the fisheries established in the Interim 2000 Harvest Specifications for Groundfish for the BSAI. It must be implemented immediately to prevent overharvesting the 2000 ITAC of Atka mackerel in the Eastern Aleutian District and the Bering Sea subarea of the BSAI. A delay in the effective date is impracticable and contrary to the public interest. Further delay would only result in overharvest. NMFS finds for good cause that the implementation of this action should not be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

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

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

Dated: January 27, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–2163 Filed 1–27–00; 5:01 pm]

BILLING CODE 3510–22–F

Proposed Rules

Federal Register
Vol. 65, No. 22
Wednesday, February 2, 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.

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Chapter I

[Docket No. 00–02]

RIN 1557–AB76

Electronic Banking

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is undertaking a review of its regulations with a view toward identifying changes or additions to its rules that would facilitate national banks' use of new technologies. This advance notice of proposed rulemaking (ANPR) solicits comment on a wide range of issues arising from national bank involvement in electronic activities.

DATES: Comments must be received by April 3, 2000.

ADDRESSES: Please send your comments to: Office of the Comptroller of the Currency, Communications Division, 250 E Street, SW, Washington, DC 20219, Attention: Docket No. 00–02. You may inspect and photocopy comments at the same location. In addition, you may fax your comments to (202) 874–5274 or electronic mail them to regs.comments@occ.treas.gov.

FOR FURTHER INFORMATION CONTACT: Stuart Feldstein, Assistant Director, or Karl Betz, Attorney, Legislative and Regulatory Activities, at (202) 874–5090; James Gillespie, Assistant Chief Counsel, at (202) 874–5200; or Clifford Wilke, Director, Bank Technology, at (202) 874–5920.

SUPPLEMENTARY INFORMATION:

Background

Technological developments are dramatically altering the ways in which national banks conduct their business. Telecommunications advances offer banks faster and more efficient communication and data transmission. Improvements in computer hardware and software are opening up new banking applications. These rapid developments in new technologies are causing banks to reevaluate existing delivery channels and business practices and to develop new products and services in order to reach new customers, better serve existing customers, and take advantage of cost efficiencies.

The explosive growth of the Internet also is prompting banks to reconsider business strategies and adopt alternative distribution and marketing systems. The recent chartering of Internet-only banks that operate without a conventional brick and mortar physical presence and the use of the Internet by existing banks to establish transactional World Wide Web (Web) sites [1] present new opportunities and challenges for national banks.

The OCC has already taken a number of steps to facilitate national banks' use of developing technology, including the Internet. For example, in 1996, we revised our data processing regulation to reflect the fact that banks today use technology to engage in a range of electronic activities. 61 FR 4849 (Feb. 9, 1996). As revised, the regulation authorizes national banks to conduct through electronic means or facilities any activity that they are otherwise authorized to conduct and permits banks to sell excess electronic capacities acquired or developed in good faith for banking purposes. 12 CFR 7.1019.

The OCC has also recently issued a comprehensive handbook that addresses the risks presented by Internet banking activities. Comptroller's Handbook, Other Income Producing Activities, Internet Banking (Oct. 1999) (Handbook).[2] The Handbook describes procedures for examining Internet banking activities in national banks. It also provides guidance to national banks that are conducting, or considering, Internet banking activities by outlining business and technical issues associated with offering banking products and services through the Internet. The Handbook follows previous OCC guidance on electronic banking issues, including certification authority systems, technology risk management, retail personal computer banking, Web privacy statements, cyber-terrorism, reporting computer-related crime, and consumer compliance.[3]

In addition, on a case-by-case basis, the OCC reviews specific bank uses of technology. To date, we have approved a number of Internet applications, including transactional Web sites, commercial Web site hosting services, a virtual mall, an electronic marketplace for non-financial products, and Internet access services.[4] The OCC also has

[1] As of mid-September 1999, 541 national banks had transactional Web sites.

[2] This Handbook and others in the Comptroller's Handbook series are available on the OCC's Web site at www.occ.treas.gov.

[3] OCC Advisory Letter No. 97–9, ''Reporting Computer-Related Crimes'' (Nov. 19, 1997); OCC Advisory Letter No. 99–6, ''Guidance to National Banks on Web Site Privacy Statements'' (May 4, 1999); OCC Bulletin 98–3, ''Technology Risk Management'' (Feb. 4, 1998); OCC Bulletin 98–31, ''Guidance on Electronic Financial Services and Consumer Compliance'' (July 30, 1998); OCC Bulletin 98–38, ''Technology Risk Management: PC Banking'' (Aug. 24, 1998); OCC Bulletin 99–9, ''Infrastructure Threats from Cyber-Terrorists'' (Mar. 5, 1999); OCC Bulletin 99–20, ''Certification Authority Systems'' (May 6, 1999). All of these issuances are available on the OCC's Web site at *www.occ.treas.gov*.

[4] OCC Interpretive Letter No. 742, [1996–1997 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81–106 (Aug. 19, 1996) (allowing a national bank to offer Internet banking services); OCC Conditional Approval No. 253 (Aug. 20, 1997) (chartering a national bank to deliver products and services to customers primarily through electronic means); Interpretive Letter No. 856, [1998–1999 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81–313 (Mar. 5, 1999) (permitting a national bank to host commercially enabled Web sites for small retailers); Interpretive Letter No. 875 (Oct. 31, 1999) (to be published in the January 2000 issue of ''Interpretations and Actions'') (opining that a national bank may offer a bank-hosted set of Web pages with a collection of links to third party Web sites organized according to product type so that bank customers can shop for a range of financial and non-financial products and services via these links to third party vendors); OCC Corporate Decision No. 99–35 (Oct. 20, 1999) (permitting a national bank operating subsidiary to provide links to merchant processing-related third party vendors on its Internet site); OCC Corporate Decision No. 97–60 (July 1, 1997) (authorizing a national bank to operate a Web site providing consumers and dealers with detailed information on used cars offered by third party sellers that meet purchaser preferences); OCC Interpretive Letter No. 742, [1996–1997 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81–106 (Aug. 19, 1996) (permitting a national bank to provide full Internet access service in connection with its Internet banking services and, incidental to that, the national bank may sell good faith excess capacity in access service to persons who are not Internet banking customers). In addition to being available through the Federal Banking Law Reporter (CCH), most of the OCC staff opinions and decisions cited in this ANPR are available on the OCC's Web

Continued

permitted national banks to engage in a number of electronic payment systems activities. For example, we have allowed national banks to provide electronic bill payment and presentment services, stored value systems, electronic data interchange (EDI) services, and to dispense prepaid alternate media (such as stamps and prepaid phone cards) from automated teller machines (ATMs).[5] Finally, the OCC has authorized national banks to offer additional technology-based services, such as digital certification authority services and electronic correspondent banking services.[6]

We periodically review and reevaluate our regulations to ensure that they encourage national banks' efficiency and competitiveness, consistent with safety and soundness. The purpose of this ANPR is to invite public comment on a wide range of issues involving national bank involvement in electronic banking to determine whether the OCC's regulations should be revised to remove regulatory impediments and unnecessary burdens, if any, to bank use of technology, or add new provisions that would facilitate national banks' use of new technologies. Based on the comments we receive, we may propose specific revisions to our rules for comment or issue additional supervisory guidance.[7]

Issues for Comment

The following discussion identifies some areas where modification of the OCC's regulations or supervisory policies may be useful to national banks that provide financial services electronically. Commenters are invited to respond to the questions presented and to offer comments or suggestions on any other issues related to electronic banking that are not specifically mentioned here, including whether OCC initiatives other than regulatory changes are appropriate.[8]

1. Electronic Banking in General: How Should the OCC Adapt its Regulations or Supervisory Policies To Facilitate National Banks' Use of Electronic Technology, Consistent With Safety and Soundness?

Recognizing the fluid, fast-evolving nature of bank use of technology, the OCC wants to ensure that its regulations are flexible enough to address emerging trends and new banking activities. To this end, we invite commenters to describe how national banks want to use new technologies and how these technologies will impact the ways in which national banks operate under the OCC's current regulations. For example, are there specific regulations that the OCC should modify because they impede the use of developing technology?

Technology also enables national banks to reach nationwide markets for the financial products and services they provide. Are there areas where conducting electronic banking activities could particularly benefit from a single set of standards that can be applied uniformly on a nationwide basis?

Electronic banking activities of all forms expose banks to new combinations of risks from different sources. Through the issuance of the Internet Banking Handbook and other supervisory guidance, the OCC is working to identify, and educate national banks about, the risks presented by electronic banking and to ensure that its regulations appropriately address these risks. We invite comment on whether existing OCC regulations adequately address the risks presented by current or future electronic banking activities. Are there areas where banks would benefit from additional clarification in our rules or in other guidance on the risks associated with electronic banking activities? For example, are banks experiencing problems related to the permissibility, validity, and enforceability of electronic transactions? What could the OCC do to provide greater legal certainty in these or other areas?

Electronic banking also provides consumers with more convenient access to a wider variety of financial services. Studies indicate that a significant percentage of households in the United States will do their banking online as a growing number of consumers conduct their banking and other financial transactions through automated teller machines and over the Internet. We invite comment on whether there are specific areas in which regulatory changes are needed to enhance consumer acceptance of, confidence in, or access to, electronic banking.

2. Adapting Existing Law to Electronic Banking: What Statutes That the OCC Administers Could Be Interpreted More Flexibly To Accommodate New Technologies?

Internet banking raises legal issues with respect to how the OCC should construe references in existing law to the ''location'' of a national bank. A number of statutes applicable to national banks refer to the state or place where the bank is ''located'' or use similar terms.[9] In some of these

site. The OCC published redacted versions of these letters and decisions in its monthly publication ''Interpretations and Actions.'' Beginning with the May 1996 issue, the OCC's Web site provides electronic access to issues of ''Interpretations and Actions.'' *See www.occ.treas.gov*.

[5] OCC Conditional Approval No. 304 (Mar. 5, 1999) (stating that electronic bill presentment is part of the business of banking); OCC Conditional Approval No. 332 (Oct. 18, 1999) (allowing national bank subsidiaries to invest in an electronic interbank switch to support electronic bill presentment services over the Internet); OCC Conditional Approval No. 220 (Dec. 2, 1996) (concluding that the creation, sale and redemption of electronic stored value in exchange for dollars is part of the business of banking); OCC Interpretive Letter No. 732, [1995–1996 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81–049 (May 10, 1996) (opining that EDI services are ''part of or incidental to business of banking''); OCC Interpretive Letter No. 718, [1995–1996 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶ 81–033 (Mar. 14, 1996) (finding that a national bank may dispense alternate media, such as prepaid phone cards, public transportation system tickets, and promotional and advertising materials, from ATM machines).

[6] OCC Conditional Approval No. 267 (Jan. 12, 1998) (allowing a national bank to act as a certification authority to enable subscribers to generate digital signatures that verify the identity of a sender of an electronic message); OCC Conditional Approval No. 339 (Nov. 16, 1999) (permitting national banks to invest in a multiple bank venture to establish an entity that will support a multiple bank certification authority system); OCC Interpretive Letter No. 754, [1996–1997 Transfer Binder] Fed. Banking L. Rep. (CCH) ¶81–118 (Nov. 6, 1996) (approving a national bank operating subsidiary that sells computer network services and related hardware to other financial institutions as a correspondent banking service).

[7] Section 729 of the Gramm-Leach-Bliley Act (GLBA) requires the OCC and the other Federal banking agencies to conduct a study of banking regulations pertaining to the delivery of financial services and make recommendations on adapting existing regulations to on-line banking and lending. A report to Congress detailing these recommendations is due by November 12, 2001. Public Law 106–102, section 729, 113 Stat. 1338 (Nov. 12, 1999). The OCC will not delay making changes to its rules or supervisory policies during the pendency of the § 729 study and report. Commenters' responses to this ANPR will, however, help the OCC formulate recommendations for legislative action or for actions that may appropriately be undertaken on an interagency basis.

We also note that on November 29, 1999, President Clinton issued a memorandum for the heads of executive departments and agencies announcing an initiative to update laws and regulations developed before the advent of the Internet that may have unintended negative effects on electronic commerce. The memorandum asks each Federal agency to identify any provision of law administered by such agency, or any regulation issued by such agency, that may impose a barrier to electronic transactions, and to recommend how such laws or regulations may be modified to allow electronic commerce to proceed while ensuring that consumers and the general public continue to enjoy the same degree of protection that they do under current law. Memorandum on Facilitating the Growth of Electronic Commerce, Nov. 29, 1999, 35 Weekly Comp. Pres. Doc. 2457–2458 (Dec. 6, 1999).

[8] Not within the scope of this ANPR are privacy issues, which are being addressed on an interagency basis pursuant to Title V of the GLBA, and issues concerning the Community Reinvestment Act.

[9] E.g., 12 U.S.C. 24 (Eighth) (charitable contributions), 29 (real estate holding period), 72 (directors' residency requirement), 75 (impact of

statutes, the activities and operations of a national bank depend on the laws of the state in which the bank is located.

Generally, for many of these statutes, banks have been considered located in a state where they have a main office or a branch. For some statutes, only the main office is considered. For others, a bank has been considered located in a state with a non-branch office, as well as the states of its main office and branches. Moreover, the determination of the bank's location focuses on the location of the bank's offices and activities, not the location of the bank's customers.

We invite comment on whether new developments in bank technology require the OCC to address how ''location'' applies in the context of activities conducted via the Internet. Specifically, is the determination of ''location'' for purposes of the statutes an impediment to national banks conducting all or part of their operations on the Internet? If so, should we further clarify our regulations on this issue? Is there a uniform approach to ''location'' that works for all the relevant statutes or should we address each statute separately?

3. Operational Issues: How Can the OCC Enhance the Operational Flexibility of Banks Engaging in Electronic Banking, Consistent With Safety and Soundness?

A. Marketing Access Arrangements

The rapid growth of electronic commerce has resulted in many marketing arrangements involving providing bank customers with access to providers of retail or financial services through hypertext links on the bank's Web site. Under some marketing arrangements, the bank is the dominant brand and refers its customers to non-bank third parties for additional products and services not provided by the bank directly. In other cases, the non-bank is the dominant brand and it uses a bank to provide its customers with access to bank services while minimizing the bank's brand.

It is well settled that a national bank may lease excess space on bank premises to other businesses and share space jointly with other businesses, subject to certain conditions. These conditions, which are currently set forth in the OCC's regulation governing the sharing of space and employees, are intended to minimize customer confusion about the nature of the products offered and promote the safe and sound operation of the bank. *See* 12 CFR 7.3001.

We invite comment on whether the OCC should issue a regulation similar to § 7.3001 that would apply to these types of electronic marketing arrangements. Commenters are specifically requested to address whether any or all of the supervisory conditions set forth in § 7.3001(c) are relevant in the electronic banking context and whether other conditions intended to minimize customer confusion should apply to these arrangements.

B. Branching

National banks may receive deposits and pay withdrawals in a variety of ways that are not subject to geographical restrictions or the need to apply for branch certification. For example, it is well settled that national banks may arrange to have their customers use ATMs established by third parties in order to undertake transactions with the bank. In 1996, Congress passed legislation permitting national banks to establish ATMs and remote service units (RSUs) without geographical limits or the need to seek approval to establish these types of facilities. [10]

Both Congress, through legislation, and the OCC, through interpretation, also permit national banks to arrange for their customers to undertake banking transactions with the national bank through offices of affiliated banks and thrifts without implicating branching restrictions. Additionally, the OCC has established guidelines to enable national banks and their customers to transact business with each other through messenger services without implicating branching restrictions. Of course, national banks and their customers can transact business electronically without raising branching concerns.

The OCC seeks comment on whether these forms of delivery systems are flexible enough to permit technology-based banks to serve the transaction-related needs of their retail, as well as their commercial, customers. Specifically, are existing regulations sufficient to permit customers of technology-based banks to make deposits in the bank by cash or check in an efficient and expeditious manner? Additionally, are there other types of transactions that banks are considering where geographical restrictions create impediments or that could benefit from the development of alternative delivery systems not within the scope of branching restrictions?

Dated: January 21, 2000.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 00–2199 Filed 2–1–00; 8:45 am]

BILLING CODE 4810–33–P

legal holiday on shareholders' meeting), 85 (allowable interest rate), 90 (pledging security for deposits of state funds), 92 (insurance sales), 92a (fiduciary powers), 95 (state-declared bank holidays), 182 (publication of notice of voluntary liquidation), 214a & 214c (national bank conversions and mergers into state banks) & 215a (national bank and state bank mergers into national banks); 28 U.S.C. 1348 (citizenship of state for federal court jurisdiction).

[10] The OCC recently defined an RSU as ''an automated facility, operated by a customer of a bank, that conducts banking functions, such as receiving deposits, paying withdrawals, or lending money.'' The term RSU includes ATMs, automated loan machines, and automated devices for receiving deposits, and may be equipped with a telephone or televideo device that allows contact with bank personnel. 64 FR 60,092, 60,100 (Nov. 4, 1999) (adding 12 CFR 7.4003).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–203–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to all Empresa Brasileira de Aeronautica, S.A. (EMBRAER), Model EMB–145 series airplanes, that currently requires repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. This action would require a terminating modification that includes replacement of the NLG door solenoid valve with an improved valve; replacement of the landing gear (LG) safety pins holder with an improved holder; and replacement of the NLG maneuvering actuator with an improved actuator. This proposed action would also limit the applicability of the existing AD. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent failure of the NLG to extend and lock down properly, which could result in damage to the airplane structure, and consequent

reduced controllability of the airplane upon landing.

DATES: Comments must be received by March 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–203–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Rob Capezzuto, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6071; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–203–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–203–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On June 16, 1998, the FAA issued AD 98–13–34, amendment 39–10625 (63 FR 34274, June 24, 1998), applicable to all EMBRAER Model EMB–145 series airplanes, to require repetitive emergency extension (free-fall) functional tests of the nose landing gear (NLG), and lubrication of all NLG hinge points, to ensure that the NLG extends and locks down properly; and corrective action, if necessary. That action was prompted by a report indicating that the NLG on a Model EMB–145 series airplane failed to extend and lock down upon landing, even after accomplishment of procedures for abnormal emergency landing gear extension by the override switch and free-fall mechanism. The requirements of that AD are intended to prevent damage to the airplane structure, and consequent reduced controllability of the airplane upon landing.

Actions Since Issuance of Previous Rule

The actions required by AD 98–13–34 were defined as interim actions until a permanent modification could be developed. Since the issuance of that AD, EMBRAER has determined that the unsafe condition can be eliminated by replacement of the NLG door solenoid valve with a new valve; replacement of the landing gear (LG) safety pins holder with a new holder; and by replacement of the NLG maneuvering actuator with a new actuator. The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, issued Brazilian airworthiness directive 98–05–01R1, dated July 8, 1999, to require these replacements.

EMBRAER has advised the FAA that a new NLG door solenoid valve, safety pins, and safety pins holder have been installed during production on Model EMB–145 series airplanes having serial numbers (S/N) 145001 through 145003 inclusive, and 145088 and subsequent. EMBRAER has also advised the FAA that a new NLG maneuvering actuator has been installed during production for Model EMB–145 airplanes S/N 145001 through 145003 inclusive, 145104, and 145107 and subsequent. Therefore, only Model EMB–145 series airplanes, S/N 145004 through 145103 inclusive, 145105, and 145106 are subject to the unsafe condition.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–32–0036, dated February 1, 1999, which describes procedures for replacing the NLG door solenoid valve with a new valve; and replacement of the LG safety pins holder with a new holder.

EMBRAER also has issued Service Bulletin 145–32–0037, dated February 12, 1999, which describes procedures for replacing the NLG maneuvering actuator with a new actuator.

The DAC classified these service bulletins as mandatory and issued Brazilian airworthiness directive 98–05–01R1, dated July 8, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of the same type design registered in the United States, the proposed AD would supersede AD 98–13–34 to continue to require actions specified in that AD. This proposed AD would also require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

There are approximately 66 airplanes of U.S. registry that would be affected by this proposed AD.

The actions that are currently required by AD 98–13–34, and continue to be required by this proposed AD, take approximately 4 work hours per

airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $15,840, or $240 per airplane, per inspection cycle.

The new replacements that are proposed in this AD action would take approximately 6 work hours (3 work hours per airplane for the solenoid/holder replacement) and 3 work hours per airplane for the actuator replacement, at an average labor rate of $60 per work hour. EMBRAER and Libherr Aerospace Linberg have previously committed to supplying the necessary parts free of charge. Based on these figures, the cost impact of the proposed replacements required by this AD on U.S. operators is estimated to be $23,760, or $360 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10625 (63 FR 34274, June 24, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Empresa Brasileira de Aeronautica S.A. (EMBRAER): Docket 99–NM–203–AD. Supersedes AD 98–13–34, Amendment 39–10625.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145103 inclusive, 145105, and 145106; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent failure of the nose landing gear (NLG) to extend and lock down properly, which could result in damage to the airplane structure, and consequent reduced controllability of the airplane upon landing, accomplish the following:

Restatement of Requirements of AD 98–13–34, Amendment 39–10625

Functional Test

(a) Within 50 flight hours after July 9, 1998 (the effective date of AD 98–13–34, amendment 39–10625), perform an emergency extension (free-fall) functional test of the NLG, to ensure that the mechanism extends and locks down properly, in accordance with EMBRAER Alert Service Bulletin 145–32-A029, dated April 15, 1998. Repeat the functional test and lubrication procedures thereafter at intervals not to exceed every ''A'' check, but no later than 400 flight cycles.

Note 2: The alert service bulletin references EMBRAER Aircraft Maintenance Manual (AMM), Chapter 32–34–00, as an additional source of service information for accomplishment of the emergency extension functional test.

(1) If the extension time of the landing gear is within 30 seconds, prior to further flight, lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin.

(2) If the extension time of the landing gear exceeds 30 seconds, prior to further flight, accomplish the requirements of paragraphs (a)(2)(i) and (a)(2)(ii) of this AD.

(i) Lubricate all NLG hinge points in accordance with Figure 1 of the Accomplishment Instructions of the alert service bulletin. And

(ii) Perform a normal system functional test of the NLG for five cycles, and repeat the emergency extension functional test specified by paragraph (a) of this AD. If the extension and locking time still exceeds 30 seconds, prior to further flight, repair in accordance with a method approved by either the Manager, Atlanta Aircraft Certification Office (ACO), FAA, Small Airplane Directorate, or the Departmento de Aviacao Civil (DAC) (or its delegated agent).

Note 3: The alert service bulletin references EMBRAER AMM, Chapter 32–30–00, as an additional source of service information for accomplishment of the normal system functional test.

(3) If any malfunction other than that specified in paragraph (a)(2) of this AD is detected, prior to further flight, repair in accordance with a method approved by the Manager, Atlanta ACO, or the DAC (or its delegated agent).

New Requirements of this AD

Terminating Modification

(b) Within 2,000 flight hours after the effective date of this AD, accomplish paragraphs (b)(1) and (b)(2) of this AD. Accomplishment of paragraphs (b)(1) and (b)(2) of this AD constitutes terminating action for the requirements of paragraph (a) of this AD.

(1) Replace the nose landing gear door solenoid valve, part number (P/N) 2225–0100–001, with a new valve, P/N 2225–0100–003; and replace the landing gear (LG) safety pins holder, P/N 145–27571–001, with a new holder, P/N 145–37912–001; in accordance with EMBRAER Service Bulletin 145–32–0036, dated February 1, 1999.

(2) Replace the nose landing gear maneuvering actuator, P/N 1300B0000–01, with a new actuator, P/N 1300B0000–02, in accordance with EMBRAER Service Bulletin 145–32–0037, dated February 12, 1999.

Spares

(c) As of the effective date of this AD, no person shall install a nose landing gear door solenoid valve, P/N 2225–0100–001, a landing gear safety pins holder, P/N 145–27571–001, or a nose landing gear maneuvering actuator P/N 1300B0000–01, on any airplane.

Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Atlanta ACO. Operators shall submit their requests through an appropriate FAA Principal

Maintenance Inspector, who may add comments and then send it to the Manager, Atlanta ACO.

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

Special Flight Permits

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

Note 5: The subject of this AD is addressed in Brazilian airworthiness directives 98–05–01, dated May 12, 1998, and 98–05–01R1, dated July 8, 1999.

Issued in Renton, Washington, on January 25, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2092 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–330–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 747 series airplanes. This proposal would require repetitive inspections of the aft pressure bulkhead to detect cracking, and repair, if necessary. This proposal is prompted by a report of fatigue cracking found in the upper half of the aft pressure bulkhead. The actions specified by the proposed AD are intended to detect and correct cracking in the aft pressure bulkhead, which could result in rapid decompression of the fuselage or overpressurization of the tail section.

DATES: Comments must be received by March 20, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–330–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–330–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–330–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report indicating that a crack was found in the upper half of the aft pressure bulkhead on a Boeing Model 747 series airplane. The crack was located at the aft/inner fastener row, which attaches the web to the ''Y'' ring, and was 7.5 inches long. Analysis indicates that the crack was initiated and propagated by fatigue. Such cracking, if not detected and corrected, could result in rapid decompression of the fuselage or overpressurization of the tail section.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998, which describes procedures for repetitive inspections of the aft pressure bulkhead at the ''Y''-ring-to-web lap splice to detect cracking, and repair, if necessary. The inspections to detect cracking include a detailed visual inspection of the upper half of the bulkhead and a high frequency eddy current (HFEC) inspection of the upper and lower halves of the bulkhead. Accomplishment of the actions specified in the alert service bulletin is intended to adequately address the identified unsafe condition.

Other Relevant Rulemaking

The FAA has previously issued AD 98–20–20, Amendment 39–10786 (63 FR 50495, September 22, 1998). That AD requires repetitive inspections to detect damage and cracking of the aft pressure bulkhead on certain Boeing Model 747 series airplanes, line numbers 1 through 671 inclusive. The inspections required by that AD are similar to the ones described in this proposed AD, but this proposed AD would apply to Boeing Model 747 series airplanes having line numbers 672 and subsequent, as listed in Boeing Alert Service Bulletin 747–53A2425.

Explanation of Requirements of Proposed Rule

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

Differences Between Alert Service Bulletin and Proposed Rule

Operators should note that, although the alert service bulletin specifies that the manufacturer may be contacted for disposition of certain repair conditions,

this proposed AD requires the repair of those conditions to be accomplished in accordance with a method approved by the FAA, or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings.

The alert service bulletin also specifies that certain inspections and repairs required by this proposed AD may be accomplished in accordance with ''an operator's equivalent procedure.'' However, this proposed AD requires that those actions be accomplished in accordance with the procedures specified in appropriate chapters of the Boeing 747 Maintenance Manual or the Boeing 747 Structural Repair Manual. An ''operator's equivalent procedure'' may be used only if approved as an alternative method of compliance in accordance with paragraph (g) of this AD.

Clarification of Proposed Requirement

The FAA has been advised that the intent of the manufacturer in the service bulletin is that accomplishment of an HFEC inspection implies concurrent accomplishment of a detailed visual inspection. Therefore, this proposed rule clarifies the manufacturer's intent, in that it proposes to require accomplishment of repetitive detailed visual inspections at intervals not to exceed 1,500 flight cycles, and repetitive HFEC inspections at intervals not to exceed 3,000 flight cycles.

Cost Impact

There are approximately 552 airplanes of the affected design in the worldwide fleet. The FAA estimates that 84 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 7 work hours per airplane to accomplish the proposed detailed visual inspection, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed detailed visual inspection on U.S. operators is estimated to be $35,280, or $420 per airplane, per inspection cycle.

It would take approximately 7 work hours per airplane to accomplish the proposed HFEC inspections, at the average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed HFEC inspections on U.S. operators is estimated to be $35,280, or $420 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 99–NM–330–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct cracking in the aft pressure bulkhead, which could result in rapid decompression of the fuselage or overpressurization of the tail section, accomplish the following:

Initial and Repetitive Inspections

(a) Except as provided by paragraph (f) of this AD, prior to the accumulation of 20,000 total flight cycles, or within 12 months after the effective date of this AD, whichever occurs later, perform a detailed visual inspection of the upper half of the aft pressure bulkhead to detect cracking, in accordance with Figure 6 or 7, as applicable, of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the detailed visual inspection thereafter at intervals not to exceed 1,500 flight cycles. For areas of the upper half of the aft pressure bulkhead that have been repaired previously, this detailed visual inspection may be deferred for up to 15,000 flight cycles after accomplishment of the repair, as described in the NOTE in paragraph 3.D. of the Accomplishment Instructions of the alert service bulletin.

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

(b) Except as provided by paragraph (f) of this AD, if no cracking is detected during the initial detailed visual inspection required by paragraph (a) of this AD: Within 1,500 flight cycles after accomplishment of that inspection, perform a high frequency eddy current (HFEC) inspection of the upper and lower halves of the aft pressure bulkhead to detect cracking, in accordance with Figure 8 of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the HFEC inspection thereafter at intervals not to exceed 3,000 flight cycles.

(c) Except as provided by paragraph (f) of this AD, if any cracking is detected during any inspection required by paragraph (a) of this AD: Prior to further flight, perform an HFEC inspection of the upper and lower halves of the aft pressure bulkhead to detect cracking, in accordance with Figure 8 or 9, as applicable, of Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998. Repeat the HFEC inspection thereafter at intervals not to exceed 3,000 flight cycles.

Repair

(d) Except as provided by paragraphs (e) and (f) of this AD, if any cracking is detected during any inspection required by paragraph (a), (b), or (c) of this AD: Prior to further flight, repair in accordance with Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998.

(e) If any cracking is detected during any inspection required by paragraph (a), (b), or (c) of this AD, and Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998, specifies to contact Boeing for repair instructions: Repair any cracking, prior to further flight, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the approval letter must specifically reference this AD.

Operator's "Equivalent Procedure"

(f) Where Boeing Alert Service Bulletin 747–53A2425, dated October 29, 1998, specifies that an inspection or a repair, as applicable, may be accomplished in accordance with an operator's ''equivalent procedure'': The inspection or repair, as applicable, must be accomplished in accordance with the applicable chapter of the Boeing 747 Maintenance Manual or the Boeing 747 Structural Repair Manual specified in the alert service bulletin.

Alternative Methods of Compliance

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

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

Special Flight Permits

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

Issued in Renton, Washington on January 24, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2090 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–83–AD]

RIN 2120–AA64

Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB–145 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain EMBRAER Model EMB–145 series airplanes. This proposal would require the installation of reinforcements in the lower portion of wing rib 15 on the left-hand and right-hand sides of the airplane. This proposal is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by the proposed AD are intended to prevent reduced structural integrity of the wing flap support structure.

DATES: Comments must be received by March 3, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–83–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

The service information referenced in the proposed rule may be obtained from Empresa Brasileira de Aeronautica S.A. (EMBRAER), P.O. Box 343—CEP 12.225, Sao Jose dos Campos—SP, Brazil. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia.

FOR FURTHER INFORMATION CONTACT: Satish Lall, Aerospace Engineer, Systems and Flight Test Branch, ACE–116A, FAA, Small Airplane Directorate, Atlanta Aircraft Certification Office, One Crown Center, 1895 Phoenix Boulevard, suite 450, Atlanta, Georgia 30349; telephone (770) 703–6082; fax (770) 703–6097.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–83–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–83–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The Departmento de Aviacao Civil (DAC), which is the airworthiness authority for Brazil, notified the FAA that an unsafe condition may exist on certain EMBRAER Model EMB–145 series airplanes. The DAC advises that the damage tolerance for EMB–145 series airplanes indicates that reinforcements must be installed in the lower portion of the wing at rib 15 on the right-and left-hand sides of the airplane in order to maintain the validity of the current inspection interval of 2,000 flight cycles (prescribed in the maintenance instructions for the airplane). Such reinforcements will help to preserve the

structural integrity of the wing flap support structure.

Explanation of Relevant Service Information

EMBRAER has issued Service Bulletin 145–57–0008, Change No. 01, dated February 12, 1999, which describes procedures for installation of reinforcements in the lower portion of wing rib 15 on the left-hand and right-hand sides of the airplane. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition. The DAC classified this service bulletin as mandatory and issued Brazilian airworthiness directive 1999–01–02R1, dated March 15, 1999, in order to assure the continued airworthiness of these airplanes in Brazil.

FAA's Conclusions

This airplane model is manufactured in Brazil and is type certificated for operation in the United States under the provisions of § 21.29 of the Federal Aviation Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the DAC has kept the FAA informed of the situation described above. The FAA has examined the findings of the DAC, reviewed all available information, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of Requirements of Proposed Rule

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

Cost Impact

The FAA estimates that 33 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 20 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $3,124 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $142,692, or $4,324 per airplane.

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

Regulatory Impact

The regulations proposed herein would not have 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 proposal would not have federalism implications under Executive Order 13132.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

EMBRAER: Docket 99–NM–83–AD.

Applicability: Model EMB–145 series airplanes, serial numbers 145004 through 145058 inclusive, and 145060; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To prevent reduced structural integrity of the wing flap support structure, accomplish the following:

(a) Prior to the accumulation of 8,000 total flight cycles, or within 45 days after the effective date of this AD, whichever occurs later, install reinforcements in the lower portion of rib 15 on the left-hand and right-hand sides of the airplane in accordance with Embraer Service Bulletin 145–57–0008, Change No. 1, dated February 12, 1999.

Note 2: Installation in accordance with Embraer Service Bulletin 145–57–0008, dated October 21, 1998, accomplished prior to the effective date of this AD, is also acceptable for compliance with the requirements of paragraph (a) of this AD.

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, Atlanta Aircraft Certification Office (ACO), FAA, Small 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, Atlanta ACO.

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

Special Flight Permits

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

Note 4: The subject of this AD is addressed in Brazilian airworthiness directive 1999–01–02R1, dated March 15, 1999.

Issued in Renton, Washington, on January 27, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2224 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–NM–54–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200, –300, and –300F Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 767–200, –300, and –300F series airplanes. This proposal would require either an inspection to detect damage or chafing of the insulation or wires, modification of the cable assembly, and repairs, if necessary; or replacement of the cable assembly of the lower anti-collision light with a new cable assembly. This proposal is prompted by reports of electrical arcing on structure near the lower body anti-collision light due to chafing of the cable. The actions specified by the proposed AD are intended to prevent such chafing as a result of improper installation of the lower body anti-collision light assembly, which could result in electrical arcing or sparking in a flammable leakage zone of the airplane.

DATES: Comments must be received by March 20, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–54–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Elias Natsiopoulos, Aerospace Engineer, Systems and Flight Test Branch, ANM–130S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, S.W., Renton, Washington 98055–4056; telephone (425) 227–1279; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 99–NM–54–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 99–NM–54–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received reports of evidence of electrical arcing on structure near the lower body anti-collision light on Boeing Model 767–200 and –300 series airplanes. The lower body anti-collision light is installed below the center fuel tank in a flammable leakage zone. Results of an operator survey and a review of installation drawings revealed that it is possible to install the lower body anti-collision light assembly backwards with the aft edge forward. This incorrect orientation of the light assembly results in misalignment of the connector and cable with the opening of the web, which necessitates a sharp bend of the cable for routing through the web opening. A sharply bent cable loop against the structure causes chafing and eventual wire damage of the cable. This condition, if not corrected, could result in electrical arcing or sparking in a flammable leakage zone of the airplane.

The subject cable assembly of the lower anti-collision light on Boeing Model 767–300F series airplanes is identical to that of the affected Boeing Model 767–200 and –300 series airplanes. Therefore, all of these airplanes may be subject to the same unsafe condition.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 767–33A0075, Revision 1, dated May 27, 1999. The service bulletin describes procedures for repetitive general visual inspections to detect damage or chafing of the insulation or wires of the lower body anti-collision light, and repair, if necessary. In lieu of accomplishing the repetitive inspections, the service bulletin also describes procedures for either modification of the cable assembly, and repairs, if necessary; or replacement of the cable assembly of the lower anti-collision light with a new cable assembly. The modification involves removing the strain relief and bushing, installing a backshell extender with a new strain relief, and re-identifying the part number of the cable assembly.

Boeing Service Bulletin 767–33A0075, Revision 1, dated May 27, 1999, refers to Grimes Service Bulletin 60–3414–33-SB01, dated December 8, 1998, as an additional source of service information for accomplishment of the modification described previously.

Explanation of Requirements of Proposed Rule

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

Differences Between Proposed Rule and Service Bulletin

The proposed AD would differ from the service bulletin in that it would mandate, within 1,800 flight hours after the effective date of this AD, either a one-time general visual inspection to detect damage or chafing of the insulation or wires, modification of the cable assembly of the lower body anti-collision cable assembly, and repairs, if necessary; or replacement of the cable

assembly of the lower anti-collision light with a new cable assembly. The service bulletin provides for the modification or replacement as optional.

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

Cost Impact

There are approximately 740 airplanes of the affected design in the worldwide fleet. The FAA estimates that 263 airplanes of U.S. registry would be affected by this proposed AD.

In lieu of accomplishing the replacement, it would take approximately 3 work hours (1 work hour per airplane for the inspection and 2 work hours per airplane for the modification) to accomplish the proposed inspection and modification. Required parts would cost approximately $157 per airplane. Based on these figures, the cost impact of the inspection and modification proposed by this AD on U.S. operators is estimated to be $337 per airplane.

In lieu of accomplishing the inspection and modification, it would take approximately 3 work hours per airplane to accomplish the proposed replacement, at an average labor rate of $60 per work hour. Required parts would cost approximately $1,552 (for Group 1 airplanes) or $2,234 (for Group 2 airplanes) per airplane. Based on these figures, the cost impact of this replacement proposed by this AD on U.S. operators is estimated to be $1,732 (for Group 1 airplanes) or $2,414 (for Group 2 airplanes) per airplane.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Boeing: Docket 99–NM–54–AD.

Applicability: Model 767–200, –300, –300F series airplanes, line numbers 1 through 739 inclusive, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (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 chafing as a result of improper installation of the cable assembly of the lower body anti-collision light, which could result in electrical arcing or sparking in a flammable leakage zone of the airplane, accomplish the following:

Modification or Replacement

(a) Within 1,800 flight hours after the effective date of this AD, perform the actions in either paragraph (a)(1) or (a)(2) of this AD in accordance with Boeing Service Bulletin 767–33A0075, Revision 1, dated May 27, 1999.

(1) Perform a one-time general visual inspection to detect damage or chafing of the insulation or wires, and modify the cable assembly of the lower body anti-collision cable assembly. If any damage or chafing is detected, prior to further flight, repair the damaged or chafed part.

Note 2: Boeing Service Bulletin 767–33A0075, Revision 1, May 27, 1999, refers to Grimes Service Bulletin 60–3414–33–SB01, dated December 8, 1998, as an additional source of service information for accomplishment of the modification required by paragraph (a)(1) of this AD.

Note 3: For the purposes of this AD, a general visual inspection is defined as ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

(2) Replace the cable assembly of the lower body anti-collision cable assembly with a new cable assembly.

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, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

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

Special Flight Permits

(c) Special flight permits may be issued in accordance with §§ 21.197 and

21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on January 27, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2225 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 98–NM–285–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain Boeing Model 747 series airplanes, that currently requires repetitive inspections for damage or cracking of the aft pressure bulkhead, and repair, if necessary. That action also removes certain repetitive inspections for cracking of the bulkhead web to Y-ring lap joint area, but retains the initial inspection for cracking in that area. That action also adds a one-time detailed visual inspection from the forward side of the bulkhead to detect fatigue cracking of the upper segment of the bulkhead web, and follow-on corrective actions, if necessary. This action would require that the one-time inspection be accomplished repetitively, and would add additional repetitive inspections. The actions specified by the proposed AD are intended to detect and correct fatigue cracking of the bulkhead web, which could result in rapid depressurization of the airplane, and consequent reduced controllability of the airplane.

DATES: Comments must be received by March 20, 2000.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–285–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays.

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

FOR FURTHER INFORMATION CONTACT: Rick Kawaguchi, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Transport Airplane Directorate, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–1153; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 98–NM–285–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 98–NM–285–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On September 14, 1998, the FAA issued AD 98–20–20, amendment 39–10786 (63 FR 50495, September 22, 1998), applicable to certain Boeing 747 series airplanes, to require certain repetitive inspections for damage or cracking of the aft pressure bulkhead, and repair, if necessary. In addition, that AD removes repetitive detailed visual inspections for cracking of the bulkhead web to Y-ring lap joint area, but retains the initial inspection for cracking in that area. That AD also adds a one-time detailed visual inspection from the forward side of the bulkhead to detect fatigue cracking of the upper segment of the bulkhead web, and follow-on corrective actions, if necessary. That action was prompted by reports indicating that the inspections required by AD 87–23–10, amendment 39–5758 (52 FR 41551, October 29, 1987), may not detect cracking of the bulkhead web in a timely manner. The requirements of AD 98–20–20 are intended to detect and correct fatigue cracking of the upper segment of the bulkhead web, which could result in rapid depressurization of the airplane, and consequent reduced controllability of the airplane.

Actions Since Issuance of Previous Rule

In the preamble of AD 98–20–20, the FAA specified that the actions required by that AD were considered to be interim action. The FAA indicated that it may consider further rulemaking action to require repetitive detailed visual inspections and surface probe high frequency eddy current (HFEC) inspections to detect cracking of the upper and lower segments of the aft pressure bulkhead web, and repair if necessary. The FAA has determined that further rulemaking is indeed necessary; this proposed AD follows from that determination.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998, which describes procedures for, among other things, repetitive inspections from the forward side of the bulkhead web at body station (BS) 2360 to detect cracking. The inspections to detect cracking include a detailed visual inspection of the upper half of the bulkhead and a surface probe HFEC inspection of the upper and lower segments of the bulkhead. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 98–20–20 to continue to require the actions specified in that AD. This action also would require that the one-time detailed visual inspection required by AD 98–20–20 be accomplished repetitively, and would add repetitive surface probe HFEC inspections, and repair, if necessary. The actions would be required to be accomplished in accordance with the service bulletin described previously, except as discussed below.

Differences Between Proposed AD and Service Bulletin

Operators should note that, although the service bulletin specifies that the manufacturer may be contacted for disposition of certain cracking conditions, this proposal would require the repair of those conditions to be accomplished in accordance with a method approved by the FAA.

Clarification of Proposed Requirement

The FAA has been advised that the manufacturer's intent of the surface probe HFEC inspection, as described in Figure 15 of the service bulletin, is that accomplishment of a surface probe HFEC inspection implies concurrent accomplishment of a detailed visual inspection, as described in Figure 14 of the service bulletin. This proposed rule clarifies the manufacturer's intent, in that it would explicitly require accomplishment of the repetitive detailed visual inspections at intervals not to exceed 1,500 flight cycles, and repetitive surface probe HFEC inspections at intervals not to exceed 3,000 flight cycles.

Cost Impact

There are approximately 671 airplanes of the affected design in the worldwide fleet. The FAA estimates that 149 airplanes of U.S. registry would be affected by this proposed AD.

The actions that are currently required by AD 98–20–20 and retained in this proposed AD, take approximately 360 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be $3,218,400, or $21,600 per airplane, per inspection cycle.

The new repetitive detailed visual inspections that are proposed in this AD action would take approximately 4 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $35,760, or $240 per airplane, per inspection cycle.

The new repetitive HFEC inspections that are proposed in this AD action would take approximately 48 work hours per airplane to accomplish, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the proposed requirements of this AD on U.S. operators is estimated to be $429,120, or $2,880 per airplane, per inspection cycle.

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

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

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

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–10786 (63 FR 50495, September 22, 1998), and by adding a new airworthiness directive (AD), to read as follows:

Boeing: Docket 98–NM–285–AD. Supersedes AD 98–20–20, Amendment 39–10786.

Applicability: Model 747 series airplanes, line positions 1 through 671 inclusive; certificated in any category.

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

Compliance: Required as indicated, unless accomplished previously.

To detect and correct fatigue cracking of the bulkhead web, which could result in rapid depressurization of the airplane, and consequent reduced controllability of the airplane, accomplish the following:

Restatement of Actions Required by AD 98–20–20, Amendment 39–10786

(a) Within 750 landings after December 10, 1987 (the effective date for AD 87–23–10, amendment 39–5758), unless accomplished within the last 1,250 landings [for airplanes subject to a 2,000-landing repeat inspection interval in accordance with paragraph (b) of this AD], or unless accomplished within the last 250 landings [for airplanes subject to a 1,000-landing repeat inspection interval in accordance with paragraph (b) of this AD], perform a detailed visual inspection; in accordance with Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, or Revision 5, dated January 16, 1997, or Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998; of the aft side of the entire Body Station (BS) 2360 aft pressure bulkhead for damage such as dents, tears, nicks, gouges, or scratches; and cracks at splices and doublers, and around the Auxiliary Power Unit pressure pan cutout; and, for Group 4 airplanes only, inspect from the forward side, the area adjacent to the window cutout for damage or cracks.

Note 2: Notwithstanding provisions to the contrary in AD 87–23–10, and in Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, and Revision 5, dated January 16, 1997: For Model 747SR airplanes operating at a cabin pressure differential lower than 8.6 pounds-per-square-inch (psi), an adjustment factor of 1.2 shall *not* be used after October 7, 1998 (the effective date for AD 98–20–20), as a multiplier for inspection thresholds and intervals specified in this AD.

Note 3: For the purposes of this AD, a detailed visual inspection is defined as: ''An intensive visual examination of a specific structural area, system, installation, or assembly to detect damage, failure, or irregularity. Available lighting is normally supplemented with a direct source of good lighting at intensity deemed appropriate by the inspector. Inspection aids such as mirror, magnifying lenses, etc. may be used. Surface cleaning and elaborate access procedures may be required.''

(b) After initial compliance with paragraph (a) of this AD, continue to inspect as follows:

(1) For Group 1 airplanes, repeat the inspections required by paragraph (a) of this AD, at intervals not to exceed 2,000 landings.

(2) For Groups 2 and 3 airplanes, repeat the inspections required by paragraph (a) of this AD, at intervals not to exceed 1,000 landings; or optionally, at the applicable time specified in paragraph (b)(2)(i) or (b)(2)(ii) of this AD.

(i) For Group 2 airplanes that operate the entire interval with aft lavatory complexes or galleys adjacent to bulkheads, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 2,000 landings.

(ii) For Groups 2 and 3 airplanes that operate the entire interval with an intact protective shield on the lower half of the forward side of the bulkhead, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 2,000 landings; and perform a detailed visual inspection of the protective shield for damage in accordance with Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, or Revision 5, dated January 16, 1997, or Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998, at intervals not to exceed 1,000 landings. If damage is found to the protective shield that exceeds the limits indicated in the service bulletin, prior to further flight, repeat the inspection required by paragraph (a) of this AD.

(3) For Group 4 airplanes, repeat the inspections required by paragraph (a) of this AD at intervals not to exceed 1,000 landings.

(c) Within 750 landings after December 10, 1987, or prior to the accumulation of 20,000 total landings, whichever occurs later, unless accomplished within the last 3,250 landings; and at intervals thereafter not to exceed 4,000 landings; perform eddy current, ultrasonic, and X-ray inspections of the aft side of the BS 2360 aft pressure bulkhead for cracks; in accordance with Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, or Revision 5, dated January 16, 1997, or Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998.

(d) Within 750 landings after December 10, 1987, or prior to the accumulation of 20,000 total landings, whichever occurs later, unless accomplished within the last 6,250 landings; and thereafter at intervals not to exceed 7,000 landings until the inspection required by paragraph (g) of this AD is accomplished: Perform a detailed visual inspection to detect cracking of the BS 2360 aft pressure bulkhead web to Y-ring lap joint area between radial stiffeners from the forward side of the bulkhead, in accordance with Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, or Revision 5, dated January 16, 1997, or Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998.

(e) If any cracking or damage is found during any inspection required by paragraph (a), (b), (c), or (d) of this AD, repair prior to further flight in accordance with Boeing Service Bulletin 747–53–2275, dated March 26, 1987, Revision 1, dated August 13, 1987, Revision 2, dated March 31, 1988, Revision 3, dated March 29, 1990, Revision 4, dated March 26, 1992, or Revision 5, dated January 16, 1997, or Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998.

(f) For the purpose of complying with this AD, the number of landings may be determined to equal the number of pressurization cycles where the cabin pressure differential was greater than 2.0 psi.

(g) Perform a detailed visual inspection from the forward side of the bulkhead of the upper segment of the bulkhead web at BS 2360 to detect cracking, in accordance with Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998, at the earlier of the times specified in paragraphs (g)(1) and (g)(2) of this AD. Accomplishment of this inspection terminates the repetitive inspection requirement of paragraph (d) of this AD.

(1) Within 7,000 landings after the most recent detailed visual inspection accomplished in accordance with paragraph (d) of this AD.

(2) At the latest of the times specified in paragraphs (g)(2)(i), (g)(2)(ii), and (g)(2)(iii) of this AD.

(i) Prior to the accumulation of 20,000 total landings.

(ii) Within 1,500 landings after the most recent detailed visual inspection accomplished in accordance with paragraph (d) of this AD.

(iii) Within 90 days after October 7, 1998 (the effective date of AD 98–20–20).

(h) If any cracking is detected during the detailed visual inspections required by paragraph (g) of this AD, prior to further flight, accomplish a surface probe high frequency eddy current (HFEC) inspection from the forward side of the bulkhead to detect cracking of the upper and lower segments of the bulkhead web around the fasteners that attach the web to the outer chord of the Y-ring, in accordance with Boeing Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998. Repair any cracking, prior to further flight, in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate; or in accordance with data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative who has been authorized by the Manager, Seattle ACO, to make such findings.

New Requirements of This AD

(i) If no cracking is detected during the detailed visual inspection required by paragraph (g) of this AD, within 1,500 flight cycles after accomplishment of that inspection or within 250 flight cycles after the effective date of this AD, whichever occurs later: Repeat the detailed visual inspection, as specified in paragraph (g); and perform a surface probe HFEC inspection from the forward side of the bulkhead to detect cracking of the upper and lower segments of the bulkhead web, in accordance with Figure 15 of Boeing

Alert Service Bulletin 747–53A2275, Revision 6, dated August 27, 1998.

(1) If no cracking is detected, repeat the detailed visual inspection thereafter at intervals not to exceed 1,500 flight cycles; and repeat the surface probe HFEC inspection thereafter at intervals not to exceed 3,000 flight cycles.

(2) If any cracking is detected, prior to further flight, repair in accordance with a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, Transport Airplane Directorate, or a Boeing Company Designated Engineering Representative who has been authorized by the FAA to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

(j)(1) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, Seattle ACO. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Seattle ACO.

(2) Alternative methods of compliance, approved previously in accordance with AD 98–20–20, amendment 39–10786, are approved as alternative methods of compliance with this AD.

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

Special Flight Permits

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

Issued in Renton, Washington, on January 27, 2000.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 00–2226 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–59]

Proposed Modification of Class E Airspace; Coldwater, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Class E airspace at Coldwater, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 06 has been developed for Branch County Memorial Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This action proposes to increase the radius of the existing controlled airspace for this airport.

DATES: Comments must be received on or before March 7, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 99–AGL–59, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AGL–59.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, S.W., Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Coldwater, MI, to accommodate aircraft executing the proposed GPS Rwy 06 SIAP at Branch County Memorial Airport by modifying the existing controlled airspace. Controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

AGL MI E5 Coldwater, MI [Revised]

Coldwater, Branch County Memorial Airport, MI

(Lat. 41° 56′ 00″ N., (long. 85° 03′ 09′ W.)

That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of Branch County Memorial Airport.

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2252 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–60]

Proposed Modification of Class E Airspace; Watertown, SD, and Britton, SD

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Class E airspace at Watertown, SD, and Britton, SD. A review of the controlled airspace within the States of North Dakota and South Dakota conducted after the cancellation of a portion of Federal Airway 220 (V–220), Airspace Docket No. 98–AGL–49, published September 7, 1999, has indicated several small portions of Class G uncontrolled airspace being created between Wahpeton, ND, and Brookings, SD. Controlled airspace extending upward from 1200 feet above ground level (AGL) is needed to allow the FAA to provide safe and efficient air traffic control services for aircraft executing enroute and terminal instrument procedures into and out of numerous airports in that area. These small portions of uncontrolled airspace cause confusion for both pilots and controllers and do not allow for consistent application of instrument flight rules in a critical area servicing these airports. This action proposes to eliminate these Class G portions of airspace between Wahpeton, ND, and Brookings, SD, by revising the Class E airspace for Watertown, SD. This revision causes a minor change to the airspace exclusions in the legal description for the Class E airspace for Britton, SD.

DATES: Comments must be received on or before March 7, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 99–AGL–60, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AGL–60.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, Office of the Assistant Chief Counsel, 2300 East Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484.

Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Watertown, SD, and Britton, SD, to accommodate aircraft executing instrument flight procedures into and out of numerous airports in southeastern North Dakota, northeastern South Dakota, and western Minnesota. Several small portions of uncontrolled airspace between Wahpeton, ND, and Brookings, SD, created as a result of the cancellation of a portion of Federal Airway 220 (V–220), Airspace Docket No. 98–AGL–49, published September 7, 1999 (64 FR 48527), would be eliminated. The area would be depicted on appropriate aeronautical charts. Class E airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 1, 1999, and effective September 16, 1999, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be published subsequently in the Order.

The FAA has determined that his proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

AGL SD E5 Watertown, SD [Revised]

Watertown Municipal Airport, SD
(Lat. 44°54′51″N., long. 097°09′17″W.)
Watertown VORTAC
(Lat. 44°58′47″N., long. 097°08′30″W.)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Watertown Municipal Airport and within 4.0 miles each side of the Watertown VORTAC 006° radial extending from the 6.8-mile radius to 10.6 miles north of the airport, and within 1.9 miles each side of the south localizer courses extending from the 6.8-mile radius to 11.7 miles south of the airport, and that airspace extending upward from 1,200 feet above the surface within an area bounded on the north by lat. 46°30′00″N., on the east by the Minnesota/North Dakota and Minnesota/South Dakota borders, on the south by lat. 44°30′00″N, and on the west by long. 097°00′00″W, excluding that airspace within the Fargo, ND, 1,200 foot Class E airspace area and all Federal airways.

* * * * *

AGL SD E5 Britton, SD

Britton Municipal Airport, SD
(Lat. 45°48′57″N., long. 097°44′39″W.)

That airspace extedning upward from 700 feet above the surface within a 7.0-mile radius of the Britton Municipal Airport, and that airspace extending upward from 1,200 feet above the surface bounded on the west by long. 98°30′00″W, on the north by lat. 46°30′00″N, on the east by long. 97° 00′ 00″W, and on the south by lat. 44°30′00″N, excluding the Fargo, ND, Huron, SD, and Aberdeen, SD 1,200 foot Class E airspace areas and all Federal airways.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2253 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 99–AGL–58]

Proposed modification of Class E airspace; Saginaw, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action proposes to modify Class E airspace at Saginaw, MI. A Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to Runway (Rwy) 27 has been developed for Saginaw County H.W. Browne Airport. Controlled airspace extending upward from 700 to 1200 feet above ground level (AGL) is needed to contain aircraft executing the approach. This act proposes to increase the radius of the existing controlled airspace for this airport.

DATES: Comments must be received on or before March 7, 2000.

ADDRESSES: Send comments on the proposal in triplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, AGL–7, Rules Docket No. 99–AGL–58, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

The official docket may be examined in the Office of the Assistant Chief Counsel, Federal Aviation Administration 2300 East Devon Avenue, Des Plaines, Illinois. An informal docket may also be examined during normal business hours at the Air Traffic Division, Airspace Branch, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois.

FOR FURTHER INFORMATION CONTACT: Denis C. Burke, Air Traffic Division, Airspace Branch, AGL–520, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018, telephone (847) 294–7568.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 99–AGL–58.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket, FAA, Great Lakes Region, office of the Assistant Chief Counsel, 2300 Eat Devon Avenue, Des Plaines, Illinois, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Inquiry Center, APA–230, 800 Independence Avenue, SW, Washington, DC 20591, or by calling (202) 267–3484. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to 14 CFR part 71 to modify Class E airspace at Saginaw, MI, to accommodate aircraft executing the proposed GPS Rwy 27 SIAP at Saginaw County H.W. Browne Airport by modifying the existing controlled airspace. Controlled airspace extending upward from 700 feet above the surface is needed to contain aircraft executing the approach. The area would be depicted on appropriate aeronautical charts. Class E airspace designations for airspace areas extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9G dated September 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 would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore this, proposed 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) does not warant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of 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.

* * * * *

AGL MI E5 Saginaw, MI [Revised]

MBS International Airport, MI
(Lat. 43°31′58″N., long. 84°04′47″W.)

Saginaw County H.W. Browne Airport, MI
(Lat. 43°26′00″N., long. 83°51′45″W.)

Bay City, James Clements Municipal Airport, MI
(Lat. 43°32′49″N., long. 83°53′44″W.)

Midland, Jack Barstow Airport, MI
(Lat. 43°39′46″N., long. 84°15′41″W.)

Saint Mary's Hospital, MI
Point in Space Coordinates
(Lat. 43° 24′ 54″N., long. 83° 56′ 27″W.)

That airspace extending upward from 700 feet above the surface within a 7.0-mile radius of MBS International Airport, within a 6.5-mile radius of Saginaw County H.W. Browne Airport, within a 6.4-mile radius of James Clements Municipal Airport, within a 6.3-mile radius of Jack Barstow Airport, and within a 6.0-mile radius of the Point in Space serving Saint Mary's Hospital.

* * * * *

Issued in Des Plaines, Illinois on January 7, 2000.

Christopher R. Blum,

Manager, Air Traffic Division.

[FR Doc. 00–2254 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 108, 109, 111, 129, and 191

[Docket No. FAA–1999–6673; Notice No.]

RIN 2120–AG84

Certification of Screening Companies

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: The FAA announces a public meeting to be held on the subject of ''Certification of Screening Companies; Notice of Proposed Rulemaking'' (65 FR 560, January 5, 2000). In that notice, the FAA proposes to require that all companies that perform aviation security screening be certificated by the FAA and meet enhanced requirements. The proposal is in response to a recommendation by the White House Commission on Aviation Safety and Security and to a Congressional mandate in the Federal Aviation Reauthorization Act of 1996. The proposal is intended to improve the screening of passengers, accessible property, checked baggage, and cargo; and to provide standards for consistent high performance and increased screening company accountability.

DATES: The public meeting will be on March 10, 2000, in Washington, DC. The

meeting will begin at 9 a.m. Persons unable to attend the meeting are invited to provide written comments, which must be received on or before April 4, 2000.

ADDRESSES: The public meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591 in the 3rd floor auditorium. Persons unable to attend the meeting may mail their comments in duplicate to: U.S. Department of Transportation Dockets, Docket No. FAA–1999–6673, 400 Seventh Street, SW., Room Plaza 401, Washington, DC 20590. Comments also may be sent electronically to the Dockets Management System (DMS) at the following Internet address: *http://dms.dot.gov/* at anytime. Commenters who wish to file comments electronically, should follow the instructions on the DMS web site. Comments may be filed and/or examined at the U.S. Department of Transportation Dockets, Room Plaza 401 between 10 a.m. and 5 p.m. weekdays except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Requests to present a statement at the meeting or questions regarding the logistics of the meeting should be directed to Judy Courbois, Federal Aviation Administration, Office of Rulemaking, ARM–102, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9783; fax (202) 267–5075. Questions concerning the subject matter of the meeting should be directed to Scott Cummings, Office of Civil Aviation Security Policy and Planning (ACP–100), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9468; fax (202) 267–5359.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued ''Certification of Screening Companies, Notice of Proposed Rulemaking,'' on December 15, 1999, proposing procedures for certification of screening companies; and proposing other requirements to improve screening, such as performance measurements and new training and FAA testing requirements for screeners. The FAA is announcing this public meeting to give the public an additional opportunity to comment on the proposed rule.

Participation at the Meeting

The FAA should receive requests from persons who wish to present oral statements at the meeting no later than February 24, 2000. Such requests should be submitted to Judy Courbois, as listed above in the section titled **FOR FURTHER INFORMATION CONTACT**, and should include a written summary of oral remarks to be presented and an estimate of time needed for the presentation. The FAA will prepare an agenda of speakers, which will be available at the meeting. The names of those individuals whose requests to present oral statements are received after the date specified above may not appear on the written agenda. To accommodate as many speakers as possible, the amount of time allocated to each speaker may be less than the amount of time requested. Persons requiring audiovisual equipment should notify the FAA when requesting to be placed on the agenda.

Public Meeting Procedures

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

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

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

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

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

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

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

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

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

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

Issued in Washington, DC on January 27, 2000.

Anthony F. Fazio,

Director, Office of Rulemaking.

[FR Doc. 00–2246 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1310

[DEA Number 198]

Possible Control of Red Phosphorus as a Listed Chemical

AGENCY: Drug Enforcement Administration (DEA), Justice.

ACTION: Advance notice of proposed rulemaking; Request for comments.

SUMMARY: The Controlled Substances Act (CSA), provides the Attorney General Authority to specify by regulation, additional precursor and essential chemicals as ''listed chemicals'' if they are used in the manufacture of controlled substances in violation of the CSA. This notice

provides advance notification that the United States Drug Enforcement Administration (DEA) is considering the possible control of red phosphorus as a listed chemical.

Red phosphorus has been identified as being an important chemical used in the illicit production of methamphetamine. DEA is considering whether CSA chemical regulatory controls (such as registration, recordkeeping, reporting, and import/export requirements) are necessary to prevent the diversion of red phosphorus to clandestine drug laboratories.

Prior to deciding whether to control red phosphorus as a listed chemical, the DEA is seeking information on red phosphorus trade so that diversion of red phosphorous may be prevented with minimal impact on legitimate trade. The DEA is soliciting information on the manufacturing, distribution, consumption, storage, disposal, and uses of red phosphorus.

DATES: Written comments must be received on or before April 3, 2000.

ADDRESSES: Comments should be submitted in quintuplicate to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537, Attention: DEA Federal Register Representative/CCR.

FOR FURTHER INFORMATION CONTACT: Frank L. Sapienza, Chief, Drug and Chemical Evaluation Section, Office of Diversion Control, Drug Enforcement Administration, Washington, DC 20537 at (202) 307–7183.

SUPPLEMENTARY INFORMATION:

What Is the Purpose of This Notice?

The Controlled Substances Act (CSA), specifically 21 U.S.C. sections 802(34) and (35); 21 CFR 1310.02(c), provides the Attorney General with the authority to specify, by regulation, additional precursor and essential chemicals as ''listed chemicals'' if they are used in the manufacture of controlled substances in violation of the CSA. This authority has been delegated to the Administrator of DEA by 28 CFR 0.100 and redelegated to the Deputy Administrator under 28 CFR 0.104 (Subpart R) Appendix Sec. 12.

This notice provides advance notification that the U.S. Drug Enforcement Administration is considering the control of red phosphorus as a listed chemical. Red phosphorus has been identified as being an important chemical used in the illicit production of methamphetamine. The public health consequences of the manufacture, trafficking, and abuse of methamphetamine are well known and documented.

What Regulatory Controls Currently exist on Red Phosphorus?

Since red phosphorus is a common chemical used in methamphetamine production, it has already been placed on the Attorney General's ''special surveillance list'' of ''laboratory supplies''. The Comprehensive Methamphetamine Control Act of 1996 (MCA) amended the CSA via the addition of 21 U.S.C. 842(a)(11), which makes it unlawful for any person to distribute a laboratory supply to a person who uses, or attempts to use, that laboratory supply to manufacture a controlled substance or a listed chemical, with reckless disregard for the illegal uses to which such laboratory supply will be put.

The MCA defines ''laboratory supply'' as a ''listed chemical or any chemical, substance, or item on a special surveillance list published by the Attorney General, which contains chemicals, products, materials, or equipment used in the manufacture of controlled substances and listed chemicals.'' This special surveillance list was published by DEA on May 13, 1999 (64 FR 25910) and includes red phosphorus.

What Additional Action is DEA Considering?

Due to the continued use of red phosphorus in illicit methamphetamine synthesis, the DEA is considering whether to place additional controls on red phosphorus, by adding red phosphorus as a listed chemical. As such, red phosphorus would be subject to additional CSA regulatory controls such as registration, recordkeeping, reporting, and import/export requirements as specified in 21 CFR part 1300. DEA is considering whether these additional regulatory controls are needed to prevent the diversion of red phosphorus to clandestine laboratories.

Why Is DEA Seeking Information?

DEA is seeking information on red phosphorus trade so that diversion of red phosphorus may be prevented with minimal impact on legitimate trade. DEA is aware that the industrial uses of red phosphorus include the manufacture of pyrotechnics, safety matches, phosphoric acid and other phosphorus compounds, fertilizers, incendiary shells, smoke bombs, tracer bullets, and pesticides. DEA recognizes that regulation of red phosphorus may have some effect upon these, and other, industrial activities. However, DEA is not aware of the entire scope of use of red phosphorus by industry and consumers.

What Information Does This Notice Seek?

The DEA is soliciting input from the potentially affected parties regarding (1) the nature of the legitimate phosphorus industry, (2) the legitimate uses of red phosphorus at all levels of distribution (including industrial uses and use by individual end-users at the retail level of distribution), (3) the potential burden such regulatory controls may have on legitimate industry (particularly with respect to the impact on small businesses), (4) the potential number of individuals/firms which may be adversely affected by increased regulatory requirements, and (5) any other information on the manner of manufacturing, distribution, consumption, storage, disposal, and uses of red phosphorus by industry and others. Both quantitative and qualitative data are sought.

Such information may be submitted to the Drug and Chemical Evaluation Section and is requested by April 3, 2000. Information designated as confidential or proprietary will be treated accordingly. The release of confidential business information that is protected from disclosure under Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4) (FOIA), is governed by section 310(c) of the CSA (21 U.S.C. 830(c) and the Department of Justice procedures set forth in 28 CFR 16.7.

Dated: January 11, 2000.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control.

[FR Doc. 00–2151 Filed 2–1–00; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF DEFENSE

DEPARTMENT OF TRANSPORTATION

Coast Guard

DEPARTMENT OF VETERANS AFFAIRS

38 CFR PART 21

RIN 2900–AI67

New Criteria for Approving Courses for VA Educational Assistance Programs

AGENCIES: Department of Defense, Department of Transportation, Coast Guard, and Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Department of Veterans Affairs (VA) educational assistance and educational benefit regulations by adding new criteria for VA to use in approving enrollments in courses under the educational programs VA administers. The intended effect of these proposed changes is to implement provisions of the Veterans' Benefits Improvements Act of 1996 and the Veterans' Benefits Act of 1997. This document also would amend the regulations to conform to statutory provisions and would make changes for the purpose of clarification.

DATES: Comments must be received on or before April 3, 2000.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AI67.'' All written comments will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: William G. Susling, Jr., Education Advisor, Education Service, Veterans Benefits Administration, 202–273–7187.

SUPPLEMENTARY INFORMATION: This document proposes to amend the VA educational assistance and educational benefit regulations in 38 CFR part 21, subparts D, K, and L to conform with the Veterans' Benefits Improvement Act of 1996 (Pub. L. 104–275).

The provisions of the 1996 Act, with certain exceptions noted below, mandate that VA cannot approve an enrollment for VA training in a course not leading to a standard college degree offered by a proprietary profit or proprietary nonprofit educational institution if (1) the institution has been operating for less than two years, (2) the institution offers the course at a branch or extension and the branch or extension has been operating for less than two years, or (3) the institution offering the course completely moved outside its original general locality or has changed ownership and, in either event, does not retain substantially the same faculty, student body, and courses as before the change in ownership or move, unless the institution has operated for two years following the change in ownership or move. However, if the course were offered under a contract with the Department of Defense (DOD) or the Department of Transportation (Coast Guard) and were given on or immediately adjacent to a military base, Coast Guard station, National Guard facility or facility of the Selected Reserve, these restrictions do not apply. The regulations would be amended to reflect these statutory changes.

VA proposes to define ''proprietary educational institution'' (including a proprietary profit or proprietary nonprofit educational institution) as an educational institution that: (1) Is not a public educational institution, (2) is in a State, and (3) is legally authorized to offer a program of education in the State where the educational institution is physically located. VA believes that this definition accords with the common understanding of ''proprietary educational institution.''

VA proposes to recognize that a proprietary educational institution has been ''in operation'' for at least two years if it has been offering courses for 24 consecutive months, inclusive of normal vacation periods or holidays or periods when the educational institution is closed due to a natural disaster. VA believes that this interpretation of the two-year operation requirement is in accordance with the common meaning of the term ''in operation'' as it relates to educational institutions, and, in our view, reflects the statutory intent.

VA proposes to provide that a move by a proprietary educational institution outside the same general locality is a move beyond normal commuting distance which VA regulations have long recognized as being more than 55 miles (see 38 CFR 21.4200). This seems to be an appropriate interpretation of the statutory language.

As noted above, VA cannot approve an enrollment for VA training in a course not leading to a standard college degree offered by a proprietary profit or nonprofit educational institution if the institution offering the course completely moved outside its original general locality or has changed ownership and, in either event, does not retain substantially the same faculty, student body, and courses as before the change in ownership or move, unless the institution has operated for two years following the change in ownership or move. In this regard, it is proposed to set forth provisions indicating what VA considers to constitute ''change in ownership.''

A ''change in ownership'' would occur when a person acquires, or ceases to have, operational management and/or control of the proprietary institution and its educational activities. ''Control'' is proposed to be defined as the possession, direct or indirect, by a ''person'' or ''persons'', of the power to direct or cause the direction of the management and policies of the institution whether through the ownership of voting securities, by contract or otherwise. ''Person'' is proposed to be defined as a legal person (corporation) or an individual or individuals. Transactions causing a change of ownership would include, but not be limited to, the following: (1) The sale of the educational institution; (2) the transfer of the controlling interest of stock of the educational institution or its parent corporation; (3) the merger of two or more educational institutions; or (4) the division of one educational institution into two or more educational institutions. A ''change of ownership'' would not include transfer of ownership or control of the institution, upon the retirement or death of the owner, (1) to the owner's parent, sibling, spouse, child, spouse's parent or sibling, or sibling's or child's spouse or (2) to an individual with an ownership interest in the institution who has been involved in management of the institution for at least two years preceding the transfer.

These provisions appear to reflect adequately the kinds of institutional changes that could constitute a ''change in ownership.''

As regards the requirement that the educational institution ''retain substantially the same faculty, student body, and courses'' following change in ownership or move outside the same general locality, it is proposed that VA will consider that a proprietary educational institution has ''substantially the same faculty, student body, and courses'' both before and after the move or ownership change when:

- Faculty members who teach a majority of the courses after the move or change in ownership were employed by the educational institution before the move or change in ownership.
- Faculty use the same instructional methods after the move or change in ownership as were used before the move or change in ownership,
- The courses offered after the move or change in ownership lead to the same educational objectives as did the courses offered before the move or change in ownership, and
- Except for those who graduate, all, or a majority of the students enrolled in the educational institution on the last day of classes before the move or change in ownership are also enrolled in the educational institution immediately after the move or change in ownership.

The preceding criteria appear to assure adequately the institutional

continuity contemplated by the statutory scheme.

It also is proposed to amend § 21.4233 by adding new paragraphs (d)(6), (d)(7), and (d)(8) to reflect statutory provisions set forth in 38 U.S.C. 3675(b)(3) regarding criteria for determining whether accredited courses should be approved for VA training.

Further, it is proposed to amend 38 CFR 21.4252 by adding new paragraph (m) to reflect amendments made by the Veterans' Benefits Act of 1997 (Pub. Law 105–114) and set forth in 38 U.S.C. 3680A(f) and (g) regarding approval of courses under contract.

Other nonsubstantive changes are made to conform the regulations to the statutory changes.

The Department of Defense (DOD), the Department of Transportation (Coast Guard), and VA are jointly issuing this final rule insofar as it relates to the Montgomery GI Bill—Selected Reserve. This program is funded by DOD and the Coast Guard, and is administered by VA. The remainder of this final rule is issued solely by VA.

Executive Order 12866

This proposed rule has been reviewed by the Office of Management and Budget under Executive Order 12866.

The Secretary of Defense, Commandant of the Coast Guard, and the Secretary of Veterans Affairs hereby certify that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would not cause educational institutions to make changes in their activities and would have minuscule monetary effects, if any. Pursuant to 5 U.S.C. 605(b), this proposed rule, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604.

The Catalog of Federal Domestic Assistance number for the programs affected by this proposed rule are 64.117, 64.120, and 64.124. This proposed rule will affect the Montgomery GI Bill—Selected Reserve which has no Catalog of Federal Domestic Assistance number.

List of Subjects in 38 CFR Part 21

Administrative practice and procedure, Armed forces, Civil rights, Claims, Colleges and universities, Conflict of interests, Defense Department, Education, Employment, Grant programs-education, Grant programs-veterans, Health care, Loan programs—education, Loan programs—veterans, Manpower training programs, Reporting and recordkeeping requirements, Educational institutions, Travel and transportation expenses, Veterans, Vocational education, Vocational rehabilitation.

Approved: March 10, 1999.

Togo D. West, Jr.,

Secretary of Veterans Affairs.

Approved: April 29, 1999.

Curtis B. Taylor,

Colonel, U.S. Army, Principal Director (Military Personnel Policy), Department of Defense.

Approved: October 18, 1999.

F.L. Ames,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Human Resources.

For the reasons set forth in the preamble, 38 CFR part 21 (subparts D, K, and L) is amended as set forth below.

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Assistance Programs

1. The authority for part 21, subpart D is revised to read as follows:

Authority: 10 U.S.C. 2141 note, ch. 1606; 38 U.S.C. 501(a), chs. 30, 32, 34, 35, 36, unless otherwise noted.

2. In § 21.4200, paragraph (z) is added to read as follows:

§ 21.4200 Definitions.

* * * * *

(z) *Proprietary educational institution.* The term *proprietary educational institution* (including a proprietary profit or proprietary nonprofit educational institution) means an educational institution that:

(1) Is not a public educational institution;

(2) Is in a State; and

(3) Is legally authorized to offer a program of education in the State where the educational institution is physically located.

(Authority: 38 U.S.C. 3680A(e))

3. Section 21.4251 is revised to read as follows:

§ 21.4251 Minimum period of operation requirement for educational institutions.

(a) *Definitions.* The following definitions apply to the terms used in this section. The definitions in § 21.4200 apply to the extent that no definition is included in this paragraph.

(1) *Control.* The term *control* (including the term controlling) means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(2) *Person.* The term *person* includes a legal person (corporation or partnership) or an individual.

(Authority: 38 U.S.C. 3680A(e))

(b) *Some educational institutions must be in operation for two years.* Except as provided in paragraph (c) of this section, when a proprietary educational institution offers a course not leading to a standard college degree, VA may not approve an enrollment in that course if the proprietary educational institution—

(1) Has been operating for less than two years;

(2) Offers the course at a branch or extension and the branch or extension has been operating for less than two years; or

(3) Offers the course following either a change in ownership or a complete move outside its original general locality, and the educational institution does not retain substantially the same faculty, student body, and courses as before the change in ownership or the move outside the general locality unless the educational institution following such change or move has been in operation for at least two years.

(Authority: 38 U.S.C. 3680A(e) and (g))

(c) *Exception to the two-year operation requirement.* Notwithstanding the provisions of paragraph (b) of this section, VA may approve the enrollment of a veteran, servicemember, reservist, or eligible person in a course not leading to a standard college degree approved under this subpart if it is offered by a proprietary educational institution that—

(1) Offers the course under a contract with the Department of Defense or the Department of Transportation; and

(2) Gives the course on or immediately adjacent to a military base, Coast Guard station, National Guard facility, or facility of the Selected Reserve.

(Authority: 38 U.S.C. 3680A(e) and (g))

(d) *Operation for two years.* VA will consider, for the purposes of paragraph (b) of this section, that a proprietary educational institution (or a branch or extension of such an educational institution) will be deemed to have been operating for two years when the educational institution (or a branch or extension of such an educational institution)—

(1) Has been operating as an educational institution for 24 continuous months pursuant to the laws of the State(s) in which it is approved to operate and in which it is offering the training; and

(2) Has offered courses continuously for at least 24 months inclusive of normal vacation or holiday periods, or periods when the institution is closed temporarily due to a natural disaster that directly affected the institution or the institution's students.

(Authority: 38 U.S.C. 3680A(e) and (g))

(e) *Move outside the same general locality.* A proprietary educational institution (or a branch or extension thereof) will be deemed to have moved to a location outside the same general locality of the original location when the new location is beyond normal commuting distance of the original location, i.e., 55 miles or more from the original location.

(Authority: 38 U.S.C. 3680A(e))

(f) *Change of ownership.* (1) A change of ownership of a proprietary educational institution occurs when—

(i) A person acquires operational management and/or control of the proprietary educational institution and its educational activities; or

(ii) A person ceases to have operational management and/or control of the proprietary educational institution and its educational activities.

(2) Transactions that may cause a change of ownership include, but are not limited to the following:

(i) The sale of the educational institution;

(ii) The transfer of the controlling interest of stock of the educational institution or its parent corporation;

(iii) The merger of two or more educational institutions;

(iv) The division of one educational institution into two or more educational institutions;

(3) VA considers that a change in ownership of an educational institution does not include a transfer of ownership or control of the institution, upon the retirement or death of the owner, to:

(i) The owner's parent, sibling, spouse, child, spouse's parent or sibling, or sibling's or child's spouse; or

(ii) An individual with an ownership interest in the institution who has been involved in management of the institution for at least two years preceding the transfer.

(Authority: 38 U.S.C. 3680A(e))

(g) *Substantially the same faculty, student body, and courses.* VA will determine whether a proprietary educational institution has substantially the same faculty, student body, and courses following a change of ownership or move outside the same general locality by applying the provisions of this paragraph.

(1) VA will consider that the faculty remains substantially the same in an educational institution when faculty members who teach a majority of the courses after the move or change in ownership were so employed by the educational institution before the move or change in ownership.

(2) VA will consider that the courses remain substantially the same at an educational institution when:

(i) Faculty use the same instructional methods during the term, quarter, or semester after the move or change in ownership as were used before the move or change in ownership; and

(ii) The courses offered after the move or change in ownership lead to the same educational objectives as did the courses offered before the move or change in ownership.

(3) VA considers that the student body remains substantially the same at an educational institution when, except for those students who have graduated, all, or a majority of the students enrolled in the educational institution on the last day of classes before the move or change in ownership are also enrolled in the educational institution immediately after the move or change in ownership.

(Authority: 38 U.S.C. 3680A(e) and (f)(1))

4. In § 21.4252, paragraph (m) is added to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(m) *Courses offered under contract.* VA may not approve the enrollment of a veteran, servicemember, reservist, or eligible person in a course as a part of a program of education offered by any educational institution if the educational institution or entity providing the course under contract has not obtained a separate approval for the course in the same manner as for any other course as required by §§ 21.4253, 21.4254, 21.4256, 21.4257, 21.4260, 21.4261, 21.4263, 21.4264, 21.4265, 21.4266, or 21.4267, as appropriate.

(Authority: 38 U.S.C. 3680A(f) and (g))

5. In § 21.4253, paragraphs (d)(6), (d)(7), and (d)(8) are added to read as follows:

§ 21.4253 Accredited courses.

* * * * *

(d) * * *

(6) The accredited courses, the curriculum of which they form a part, and the instruction connected with those courses are consistent in quality, content, and length with similar courses in public educational institutions and other private educational institutions in the State with recognized accepted standards.

(7) There is in the educational institution offering the course adequate space, equipment, instructional material, and instructor personnel to provide training of good quality.

(8) The educational and experience qualifications of directors, and administrators of the educational institution offering the courses, and instructors teaching the courses for which approval is sought, are adequate.

(Authority: 38 U.S.C. 3675(b), 3676(c)(1), (2), (3))

* * * * *

Subpart K—All Volunteer Force Educational Assistance Program (Montgomery GI Bill—Active Duty)

6. The authority for part 21, subpart K continues to read as follows:

Authority: 38 U.S.C. 501(a), chs. 30, 36, unless otherwise noted.

7. Section 21.7122 is amended as follows:

a. Paragraph (e)(6) is amended by removing ''school, or'' and adding, in its place, ''school;'';

b. Paragraph (e)(7) is amended by removing ''course.'' and adding, in its place, ''course; or'';

c. Paragraphs (e)(1) through (e)(5), and the authority citation for paragraph (e) are revised; and

d. Paragraph (e)(8) is added, to read as follows:

§ 21.7122 Courses precluded.

* * * * *

(e) *Other courses.* VA shall not pay educational assistance for—

(1) An enrollment in an audited course (see § 21.4252(i));

(2) An enrollment in a course for which the veteran or servicemember received a nonpunitive grade in the absence of mitigating circumstances (see § 21.4252(j));

(3) New enrollments in a course where approval has been suspended by a State approving agency;

(4) An enrollment in certain courses being pursued by nonmatriculated students as provided in § 21.4252(l);

(5) Except as provided in § 21.4252(j), an enrollment in a course from which the veteran or servicemember withdrew without mitigating circumstances;

* * * * *

(8) An enrollment in a course offered under contract for which VA approval is prohibited by § 21.4252(m).

(Authority: 38 U.S.C. 3002(3), 3034, 3672(a), 3676, 3680(a), 3680A(a), 3680A(f), 3680A(g))

Subpart L—Educational Assistance for Members of the Selected Reserve

8. The authority for part 21, subpart L is revised to read as follows:

Authority: 10 U.S.C. ch. 1606; 38 U.S.C. 501(a), 512, ch. 36, unless otherwise noted.

9. Section 21.7622 is amended as follows:

a. Paragraph (f)(4)(v) is amended by removing ''or'';

b. Paragraph (f)(4)(vi) is amended by removing ''course.'' and adding, in its place, ''course; or'';

c. The authority citation for paragraph (f) is revised; and

d. Paragraph (f)(4)(vii) is added, to read as follows:

§ 21.7622 Courses precluded.

* * * * *

(f) * * *

(4) * * *

(vii) An enrollment in a course offered under contract for which VA approval is prohibited by § 21.4252(m).

(Authority: 10 U.S.C. 16131(c), 16136(b); 38 U.S.C. 3672(a), 3676, 3680(a), 3680A(f), 3680A(g); § 642, Public Law 101–189, 103 Stat. 1458)

[FR Doc. 00–2211 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

Delivery of Mail to a Commercial Mail Receiving Agency

AGENCY: Postal Service.

ACTION: Proposed rule with request for comments.

SUMMARY: The purpose of this proposal is to clarify requirements for delivery of an addressee's mail to a commercial mail receiving agency (CMRA). The proposal provides for guidelines to distinguish when a corporate executive center (CEC) or a part of its operations is considered a commercial mail receiving agency for purposes of these standards.

DATES: Comments must be received on or before March 3, 2000.

ADDRESSES: Written comments should be mailed to Manager, Delivery, U.S. Postal Service, 475 L'Enfant Plaza SW Room 7142, Washington, DC 20260–2802. Copies of all written comments will be available for inspection and photocopying between 9:00 a.m. and 4:00 p.m., Monday through Friday, at the above address.

FOR FURTHER INFORMATION CONTACT: Roy E. Gamble, (202) 268–3197.

SUPPLEMENTARY INFORMATION: On March 25, 1999, the Postal Service published a final rule in the **Federal Register** adopting revised regulations governing the operation of commercial mail receiving agencies (CMRAs) with an effective date of April 26, 1999. (64 F.R. 14385). The final rule amended sections D042.2.5 through D042.2.7 of the Domestic Mail Manual (DMM) to update and clarify procedures for delivery of an addressee's mail to a CMRA. The rule provided procedures for registration to act as a CMRA; an addressee to request mail delivery to a CMRA; and delivery of the mail to a CMRA. The rule was applicable to all businesses that provide agent mailing services to their customers; that is, receive delivery of mail for others from the Postal Service.

A corporate executive center (CEC) is a business that operates primarily to provide shared private office facilities and business support services to individuals or firms. These CEC customers may also receive mail at the CEC address. CECs also have customers that do not occupy space and use the CEC address primarily to receive mail.

Postal customers have asked the Postal Service to provide guidance when a CEC is considered a CMRA for purposes of postal standards; that is, when it and its customers must comply with rules governing the operation of CMRAs in sections D042.2.5 through D042.2.7 of the DMM. This proposal responds to that request and seeks to clarify and set forth guidelines when a CEC customer must comply with those standards. The proposal provides an objective test, based on the terms of the relationship between the CEC and its customer, to determine whether a customer is considered a ''CMRA customer.'' The CEC must register as a CMRA and comply with all CMRA regulations if one or more customers receiving mail at its address are considered ''CMRA customers.'' Each customer considered a ''CMRA customer'' must comply with the standards set forth in the DMM. Other customers, not considered to be ''CMRA customers,'' need not comply with these standards. A CEC will receive single point delivery of mail regardless whether its customers are deemed to be receiving CEC or CMRA services.

Although exempt from the notice and comment requirements of the Administrative Procedures Act (5 U.S.C. of 553 (b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites public comment on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See CFR 111.1.

List of Subjects in 39 CFR Part 111

Postal Service.

PART 111—[AMENDED]

1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 3001 3011, 3201–3219, 3403–3406, 3621, 5001.

2. Section D042.2.0 of the Domestic Mail Manual is amended by adding subsection D042.2.8 to read as follows:

D Deposit, Collection, and Delivery

* * * * *

D040 Delivery of Mail

* * * * *

D042 Conditions of Delivery

* * * * *

2.0 DELIVERY TO ADDRESSEE'S AGENT

* * * * *

2.8 CEC DEFINITION

Use the following procedures to distinguish when a corporate executive center (CEC) or part of its operation is a commercial mail receiving agency (CMRA): a. A CEC is a business that operates primarily to provide shared private office facilities and business support services to individuals or firms (customers). CEC customers may also receive mail at the CEC address. These customers will be considered CEC customers if they meet the standards set forth below. Customers who do not meet these standards and who receive mail through the CEC address will be considered CMRA customers and must comply with the CMRA standards. The CEC must register as a CMRA and comply with all CMRA standards if one or more customers receiving mail through its address are considered CMRA customers. A CEC will receive single point delivery of mail regardless of whether its customers are deemed to be receiving CEC or CMRA services.

b. Except as provided in d, a customer receiving mail through the CEC address will be considered a CEC customer under these standards if:

(1) The CEC licenses the customer through a written agreement to use one or more of the offices or workstations within the CEC facility for full-time occupancy; or,

(2) The CEC licenses the customer through a written agreement to use one or more of the office or workstations within the CEC facility regularly each month for the term of the agreement (as defined in c) and the agreement also provides the customer:

(A) Full-time receptionist service during normal business hours,

(B) A listing in the office directory, if available, in the building in which the CEC is located, and

(C) Conference rooms and other business services on demand.

c. A customer shall be deemed to occupy space regularly each month for purposes of b(2) if, under the specific terms of the agreement, the person is charged at least $125 per month for the duration of the agreement for occupancy and related support services.

d. Notwithstanding any other standards, a customer whose agreement provides for mail services only or mail and telephone services only will not be considered a CEC customer (without regard for occupancy or other services that a CEC may provide and bill for on demand).

e. The Postal Service may request from the CEC copies of agreements or any other documents or information needed to determine compliance with these standards. Failure to provide requested documents or information may be a basis for suspending delivery service to the CEC under the procedures set forth in section D042.2.6.h through i for suspending delivery to a CMRA.

* * * * *

[An appropriate amendment to 39 CFR 111.3 to reflect this change will be published if the proposal is adopted.]

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 00–2138 Filed 2–1–00; 8:45 am]

BILLING CODE 7710–12–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 130

[FRL–6531–7]

Revision to the Water Quality Planning and Management Regulation Listing Requirements

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to revise the Water Quality Planning and Management regulation to remove the requirement that States, Territories and authorized tribes submit to EPA for review by April 1, 2000, lists of impaired and threatened waterbodies. EPA's current regulations interpret the provision in section 303(d) of the Clean Water Act for submission of lists to EPA ''from time to time'' to require States, Territories and authorized tribes to submit lists on April 1 of every even-numbered year. For the reasons discussed below, EPA is proposing to remove the requirement that such lists be submitted in 2000. In this document, EPA is not proposing to change the existing regulatory requirement if a court order, consent decree, or settlement agreement dated prior to January 1, 2000, expressly requires EPA to take action related to a State's year 2000 list. Also, EPA is not in this notice proposing to change the existing regulatory requirement that subsequent lists be submitted on April 1, 2002, and on April 1 of subsequent even numbered years.

DATES: Comments on this proposal must be submitted on or before March 3, 2000. Comments provided electronically will be considered timely if they are submitted by 11:59 P.M. (Eastern time) March 3, 2000.

ADDRESSES: Send written comments on the proposed rule to the Comment Clerk for the Year 2000 List Rule, Water Docket (W–99–25), Environmental Protection Agency, 401 M Street, SW; Washington, DC 20460. EPA requests that commenters submit any references cited in their comments. EPA also requests that commenters submit an original and three copies of their written comments and enclosures. Commenters that want receipt of their comments acknowledged should include a self-addressed, stamped envelope. All comments must be postmarked or delivered by hand. No facsimiles (faxes) will be accepted.

EPA will also accept comments electronically. Comments should be addressed to the following Internet address: ow-docket@epa.gov. Electronic comments must be submitted as an ASCII or WordPerfect file avoiding the use of special characters and any form on encryption. Electronic comments must be identified by the docket number (W–99–25), and may be filed online at many Federal depository Libraries. No confidential business information (CBI) should be sent via e-mail.

A copy of the comments received will be available for review at EPA's Water Docket; Room EB–57 (East Tower Basement), 401 M Street, SW, Washington, DC 20460. For access to docket materials, call (202) 260–3027 between 9 a.m. and 3:30 p.m. for an appointment. An electronic version of this proposal will be available via the Internet at: *http://www.epa.gov/OWOW/tmdl/index.html.*

FOR FURTHER INFORMATION CONTACT: Annette Widener, U.S. EPA, Office of Wetlands, Oceans and Watersheds (4503F), 401 M. St., SW., Washington, D.C. 20640, (202) 401–4078.

SUPPLEMENTARY INFORMATION:

Authority: Clean Water Act Section 303.

I. Entities Potentially Regulated by the Proposed Rule

Category	NAIAS codes	SIC codes	Examples of potentially regulated entities
State, Local, Tribal Government	N/A	N/A	States, Territories, and authorized tribes

This table is not intended to be exhaustive, but rather provides a guider for readers regarding entities likely to be regulated by this action. This table lists the types of entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether you are regulated by this action, you should carefully examine the applicability criteria in part 130 of title 40 of the Code of Federal Regulations. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

II. Summary of Proposed Rule

A. Existing Requirement

Section 303(d)(1) of the CWA requires States, Territories and authorized tribes to submit to EPA ''from time to time'' a list of waterbodies for which existing pollution controls are not stringent enough to attain and maintain State, Territorial and authorized Tribal water quality standards. The statute requires

EPA to review and approve or disapprove the lists within 30 days of the time they are submitted. If EPA disapproves a list, EPA must establish the list for the State, Territory or authorized Tribe.

In 1992, EPA revised the regulations implementing section 303(d)(1) to require States, Territories, and authorized tribes to submit lists of impaired and threatened waterbodies to EPA every two years, with the 1992 lists due to EPA no later than October 22, 1992, and subsequent lists due on April 1 of even-numbered years. The most recent listing deadline was April 1, 1998, and all States, Territories, and authorized tribes have now submitted 1998 section 303(d) lists to EPA. As of January 2000, EPA had approved the vast majority of the lists.

B. Proposed Rule

Today, EPA is proposing to revise the existing regulatory requirement that section 303(d) lists be submitted on April 1, 2000. Under the existing regulations, States, Territories and authorized tribes are required to submit the next section 303(d) list to EPA on April 1, 2000, and thereafter on April 1 of every even-numbered year. EPA is today proposing to remove only the April 1, 2000, listing requirement for the following reasons.

First, comprehensive revisions to the listing regulations were proposed in August 1999 in the Revisions to the Water Quality Planning and Management Regulation rule (also known as the TMDL Rule). See 64 FR 46012 (Aug. 23, 1999). The changes in the listing requirements proposed in August would, if adopted, result in significant changes to the list development and submission process. The proposed changes are intended to provide clearer direction to States, Territories and authorized tribes in how to develop their lists, result in a comprehensive public accounting of impaired and threatened waterbodies, promote consistency among States, Territories and authorized tribes in the listing process, and ensure public participation. EPA believes that these proposed changes will result in better section 303(d) lists than are being prepared under current rules, and believes that States should devote resources to prepare for the anticipated new listing requirements rather than develop year 2000 lists under the current requirements.

Second, EPA believes that establishing TMDLs is the crucial step in identifying actions needed to assure that waterbodies identified as impaired or threatened on the section 303(d) list attain and maintain water quality standards. Given the anticipated changes in listing requirements, EPA believes that until those new requirements are promulgated, States, Territories and authorized tribes should focus their resources on establishing TMDLs for waters already listed under section 303(d) and submitting them to EPA for review and approval, rather than developing a new list in the year 2000. It is important to note that, since EPA is proposing to remove the requirement for only the April 1, 2000, deadline, States, Territories and authorized tribes will be required to submit section 303(d) lists on April 1, 2002, under the current regulatory requirements. In addition, the date established for submission of the first 303(d) list in the promulgated TMDL Rule may be in advance of the existing April 2002 submittal requirement. In this case, less than four years would have elapsed between 1998 and when the first lists required by the revised regulations are submitted to EPA.

Third, since all States, Territories and authorized tribes submitted 1998 section 303(d) lists and EPA has approved the vast majority of these lists, there currently exists an extensive, complete, and public accounting of impaired and threatened waterbodies for the entire Nation. If, as EPA is proposing, there is no requirement for an April 1, 2000 list, EPA expects States, Territories, and authorized tribes to continue monitoring the quality of their waterbodies and to establish and implement TMDLs for the waterbodies on their 1998 section 303(d) lists. This will ensure continued progress towards attainment and maintenance of water quality standards Nationwide.

The proposed rule includes a limited exception which would require a State to submit a list in the year 2000 only if a court order, consent decree, or settlement agreement dated prior to January 1, 2000, expressly requires EPA to take action related to that State's year 2000 list. In recent years, litigation under section 303(d) has resulted in court orders, consent decrees, and settlement agreements in a number of States related to EPA obligations in implementing section 303(d). In order to avoid unsettling a commitment embodied in a court order, consent decree, or settlement agreement, today's proposed rule would not relieve such a State of the obligation to submit a year 2000 list if a court order, consent decree, or settlement agreement dated prior to January 1, 2000, expressly requires EPA to take action related to that State's year 2000 list. The Act grants EPA the discretionary authority to interpret the requirement that States submit lists ''from time to time.'' In the exercise of its discretionary authority, EPA believes it is appropriate to continue to require a year 2000 list in those States in which the absence of a year 2000 list would unsettle an existing court order, consent decree or settlement agreement. EPA has reviewed the consent decrees, court orders, and settlement agreements in cases involving TMDL programs and believes the only order, consent decrees, or settlement agreement with a requirement for EPA to take an action expressly related to a year 2000 list is a consent decree for Georgia. EPA solicits public comment on whether there are any other such court orders, consent decrees, and settlement agreements. If there are, EPA will notify those States and will identify those States in the notice of final rulemaking as States in which a year 2000 list would be required. EPA solicits comment on whether to include this exception in the final rule.

In its August 1999 TMDL Rule proposal, EPA proposed to amend the existing regulations to change the April 1, 2000, deadline to October 1, 2000, for submission by the States, Territories, and authorized tribes of their lists of impaired waters. EPA made this proposal in recognition of the fact that it was unlikely that the comprehensive changes it announced in August 1999 would be finalized far enough in advance of April 2000 to inform the States' April 2000 lists (64 FR 46030). EPA proposed that States submit lists in October 2000 either using the new TMDL Rule (if finally promulgated ''well in advance of October 1'') or the current regulations (in the event the new regulations were delayed). Upon further consideration, EPA believes the best course is to eliminate the year 2000 list entirely. Today's proposal represents EPA's current thinking; however, the public may still submit comments on the August 23, 1999, TMDL Rule proposal to move the date of the year 2000 list from April 1 to October 1, 2000.

Even though EPA is proposing to eliminate the requirement that States, Territories, and authorized tribes submit lists of impaired waters in April 2000, EPA understands that some States may wish to submit such lists anyway. In the event that States submit such lists to EPA, EPA intends to review and either approve or disapprove them even if this proposal to eliminate the April 2000 list becomes final.

EPA intends to carefully review any proposed removal of a waterbody from a section 303(d) list to ensure there is

information specific to the waterbody to support the removal. Some examples of such information are when a State develops and EPA approves a TMDL for the waterbody/pollutant on the prior list, new information shows that the waterbody is achieving water quality standards for the pollutant at issue, or re-evaluation of the information supporting the initial listing shows that this information is incorrect. In particular, where a waterbody was previously listed based on certain data or information, and the State removes the waterbody without developing or obtaining any new information, EPA will carefully evaluate the State's re-evaluation of the available information, and would not approve such removals unless the State's submission describes in detail why it is appropriate to remove each affected waterbody. EPA has the authority to disapprove the list if EPA identifies existing and readily available information that was existing and readily available at the time the State submitted list showing that a waterbody does not achieve water quality standards or is water quality limited and is required by the regulations to be listed. In August, 1999, EPA proposed to establish specific criteria for removing a water from a Section 303(d) list, and is considering whether to promulgate that specific provision as part of final action on today's rule. *See* 64 FR 46049, 40 CFR 130.29. EPA also intends to exercise its authority to add appropriate waterbodies if a State submits a year 2000 list before EPA promulgates the comprehensive changes to the TMDL program that were proposed on August 23, 1999.

In developing today's proposal, EPA also considered retaining the existing regulatory requirement that States, Territories, and authorized tribes submit lists to EPA on April 1 of every even numbered year, including April 1, 2000. EPA rejected this option because, in light of EPA's pending effort to revise significantly the rules governing submission of lists and for the reasons discussed above, it does not promote effective and efficient use of government resources in identifying impaired waters as a first step toward restoring and maintaining the quality of the Nation's waters.

C. Comments Sought

EPA seeks comments on whether to eliminate the April 1, 2000, listing deadline in light of the comprehensive improvements and clarifications being proposed to the existing listing requirements. EPA also requests comments on whether to move the April 2000 list submission date to another date prior to April 2002. EPA also requests comment whether to include in the final rule the limited exception which would require a State to submit a list in the year 2000 only if a court order, consent decree, or settlement agreement dated prior to January 1, 2000, expressly requires EPA to take action related to that State's year 2000 list.

III. Regulatory Assessment Requirements

A. Regulatory Flexibility Act (RFA), as Amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 et seq.

RFA generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

The RFA requires analysis of the impacts of a rule on the small entities *subject to the rule's requirements.* See *United States Distribution Companies* v. *FERC*, 88 F.3d 1105, 1170 (D.C. Cir. 1996); *Mid-Tex Electric Co-op., Inc.* v. *FERC*, 773 F.2d 327 (D.C. Cir. 1985); *Motor & Equipment Manufacturers Ass'n* v. *Nichols*, 142 F.3d 449 (D.C. Cir. 1998). Today's rule establishes no requirements applicable to small entities, and so is not susceptible to regulatory flexibility analysis as prescribed by the RFA. ''[N]o [regulatory flexibility] analysis is necessary when an agency determines that the rule will not have a significant economic impact on a substantial number of small entities *that are subject to the requirements of the rule.'' United Distribution* at 1170, quoting *Mid-Tex Elec. Co-op., Inc.* v. *FERC*, 773 F.2d 327, 342 (D.C. Cir. 1985) (emphasis added by *United Distribution* court). After considering the economic impacts of today's proposed rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities.

This proposed rule will not impose any requirements on small entities. It merely eliminates the current regulatory requirement which directs States, Territories and authorized tribes (and EPA, if it disapproves the State's, Territory's or authorized tribe's efforts) to establish lists of impaired waterbodies in the year 2000. The proposed rule applies only to those three categories of entities and does not impose requirements upon any small entities. Moreover, today's proposal would eliminate a requirement to submit a list of impaired waters in the year 2000, thereby saving States, Territories, and authorized tribes the economic impact of developing such lists.

B. Executive Order 12866

Under Executive Order 12866 (58 FR 51735, October 4, 1993), EPA must determine whether the regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and the requirements of the Executive Order. The Order defines ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

It has been determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and is therefore not subject to OMB review.

C. Unfunded Mandates Reform Act

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

The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows EPA to adopt an alternative other than the least costly, most cost-effective or least burdensome alternative if the Administrator publishes with the rule an explanation why that alternative was not adopted. Before EPA establishes any regulatory requirements that may significantly or uniquely affect small governments, including tribal governments, it must have developed under section 203 of the UMRA a small government agency plan. The plan must provide for notifying potentially affected small governments, enabling officials of affected small governments to have meaningful and timely input in the development of EPA regulatory proposals with significant Federal intergovernmental mandates, and informing, educating, and advising small governments on compliance with the regulatory requirements.

Today's 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. The rule imposes no enforceable duty on any State, local, or tribal governments or the private sector. The proposal is deregulatory in nature in that it eliminates the current regulatory requirement that States, Territories, and authorized tribes submit lists of impaired waters in 2000. In addition, since today's proposal does not impose any requirements on the private sector, the private sector will incur no costs. Thus, today's proposal is not subject to the requirements of section 202 and 205 of UMRA.

For the same reasons as listed above, EPA has determined that this proposed rule contains no regulatory requirements that might significantly or uniquely affect small governments. Thus, today's rule is not subject to the requirements of section 203 of UMRA.

D. Paperwork Reduction Act

This proposed rule does not contain any information collection, reporting, or record keeping requirements. Thus, this rule is not subject to the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* This rule would actually streamline and reduce existing OMB-approved requirements by 25,424 hours in the year 2000.

E. Executive Order 13132: Federalism

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) requires EPA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that 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.''

Under section 6 of Executive Order 13132, EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or EPA consults with State and local officials early in the process of developing the proposed regulation. EPA also may not issue a regulation that has federalism implications and that preempts State law, unless EPA consults with State and local officials early in the process of developing the proposed regulation.

This proposed rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. As discussed above, the proposed rule is deregulatory in nature and eliminates a current requirement that States, Territories, and authorized tribes submit lists of impaired waters in 2000. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

F. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

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

Today's proposal does not significantly or uniquely affect the communities of Indian tribal governments nor does it impose substantial direct compliance costs on them. The proposal is deregulatory in nature in that it eliminates the current regulatory requirement that States, Territories, and authorized tribes submit lists of impaired waters in 2000. Currently, there are no tribes authorized to establish TMDLs or lists of impaired waters. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to today's proposal.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

Executive Order 13045 (62 FR 19885, April 23, 1997) applies to any rule that: (1) Is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, the EPA must evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by the Agency. This proposed rule is not subject to Executive Order 13045 because it is not ''economically significant''. As noted earlier, this rule is deregulatory in nature.

H. National Technology Transfer and Advancement Act

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law No. 104–113, section 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.*, materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. The NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides

not to use available and applicable voluntary consensus standards.

This proposed rule does not involve any technical standards. Therefore, EPA is not considering the use of any voluntary consensus standards. EPA welcomes comment on this aspect of the proposal rulemaking and specifically invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

List of Subjects in 40 CFR Part 130

Environmental protection, Intergovernmental relations, Reporting and recordkeeping requirements, Water pollution control.

Dated: January 27, 2000.

Carol M. Browner,

Administrator.

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

PART 130—[Amended]

1. The authority citation for part 130 continues to read as follows:

Authority: 33 U.S.C. 1251 *et seq.*

2. Section 130.7 is amended by adding a new sentence after the third sentence in paragraph (d)(1) to read as follows:

§ 130.7 Total maximum daily loads (TMDL) and individual water quality-based effluent limitations.

* * * * *

(d) * * * (1) * * * For the year 2000 submission, a State must only submit a list required under paragraph (b) of this section if a court order, consent decree, or settlement agreement dated prior to January 1, 2000, expressly requires EPA to take action related to that State's year 2000 list. * * *

* * * * *

[FR Doc. 00–2282 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[ET Docket No. 00–11; FCC 00–17]

Establishment of an Improved Model for Predicting the Broadcast Television Field Strength Received at Individual Locations

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comment on a proposed prediction model for determining presumptively the ability of individual locations to receive over-the-air television signals broadcast by local television stations. The Commission believes this model will be a useful means for establishing the eligibility of individual households to receive the signals of television broadcast network stations through satellite carriers. The Commission is complying with new statutory requirements set forth in the Satellite Home Viewer Improvement Act of 1999.

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

ADDRESSES: All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, TW–A325, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Robert Eckert, Office of Engineering and Technology, (202–418–2433).

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making in ET Docket No. 00–11, FCC 00–17, adopted January 13, 2000, and released January 20, 2000. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street, SW, Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Summary of the Notice of Proposed Rule Making

1. In the Notice of Proposed Rule Making (NPRM), the Commission proposes rules prescribing a point-to-point predictive model for determining the ability of individual locations to receive an over-the-air television broadcast signal of a specific intensity through the use of a conventional, stationary, outdoor rooftop receiving antenna. Our goal in developing this model is to provide a means for reliably and presumptively determining whether the over-the-air signals of network affiliated television stations can be received at individual locations. Such determinations are used in establishing the eligibility of individual households to receive the signals of television broadcast network stations by satellite carriers. In issuing this proposal, we are complying with new statutory requirements set forth in the Satellite Home Viewer Improvement Act of 1999 (SHVIA). The signal intensity for determining eligibility is the Grade B standard set forth in § 73.683(a) of the Commission's rules.

2. The SHVIA revises and extends statutory provisions established by Congress in the 1988 Satellite Home Viewer Act (SHVA). With regard to prediction of signal availability, the SHVIA adds a new section 339(c)(3) to the Communications Act of 1934, as amended, which requires that ''[W]ithin 180 days after the date of enactment of the Satellite Home Viewer Improvement Act of 1999, the Commission shall take all actions necessary, including any reconsideration, to develop and prescribe by rule a point-to-point predictive model for reliably and presumptively determining the ability of individual locations to receive signals in accordance with the signal intensity standard in effect under section 119(d)(10)(A) of title 17, United States Code.'' Section 339(c)(3) further provides that ''[I]n prescribing such a model, the Commission shall rely on the Individual Location Longley-Rice model set forth by the Federal Communications Commission in Docket No. 98–201, and ensure that such model takes into account terrain, building structures, and other land cover variations. The Commission shall establish procedures for the continued refinement in the application of the model by the use of additional data as it becomes available.'' The SHVIA also requires that the courts rely on the Individual Location Longley Rice model established by the Commission for making presumptive determinations of whether a household is capable of receiving broadcast television signals of Grade B intensity.

3. In its Report and Order in CS Docket No. 98–201, 64 FR 7113 (February 12, 1999), (SHVA Report and Order), the Commission endorsed the use of a specific model for predicting signal strength at individual locations. This model, which the Commission termed ''Individual Location Longley-Rice'' or ''ILLR,'' is a version of Longley-Rice 1.2.2. The Commission recommended that the ILLR model be used for determining a presumption of service or lack of service by local over-the-air television signals at individual locations for purposes of establishing a household's eligibility to receive network television programming by satellite carriers under the SHVA.

4. The Commission found that vegetation and buildings affect signal intensity at individual locations. However, it also found that at the time of the SHVA Report and Order, there was no standard means of including

such information in the ILLR that had been accepted by the technical and scientific community. The Commission therefore stated that land use and cover information will be included in the ILLR when an appropriate method for using such information in the context of determining the field strength of broadcast television signals at individual locations has been developed and accepted. In its Order on Reconsideration in CS Docket 98–201, 64 FR 73429 (December 30, 1999), the Commission denied DirecTV's petition for reconsideration, in part, on the basis that it failed to provide the information and details necessary to evaluate an application to consider land use and cover in the ILLR.

5. Subsequent to the SHVA Report and Order, the ILLR has been implemented by several commercial companies as a tool for determining whether particular households, identified by street address, are served or unserved for purposes of the SHVA. Providers of programming service by satellite carriers are screening potential customers for eligibility at the point-of-sale using the ILLR model.

6. Following the direction of Congress in the SHVIA, we are proposing to define an improved model for predicting the field strength produced by a television network affiliate broadcasting station at individual locations, using as a guide the ILLR model as described in the SHVA Report and Order. This model would be incorporated into our rules as the required method for making presumptive determinations of individual household's eligibility for satellite retransmission of distant network signals. The prediction model we are proposing takes into account terrain, building structures, and other land cover variations, some of which are yet to be evaluated and accepted by the scientific and technical community. We therefore are also outlining a process through which values can be developed for these parameters. This process provides for continued refinement of the model on the basis of reliable technical evidence, as it becomes available.

A. The Current ILLR Prediction Model

7. The current ILLR model is the version of Longley-Rice 1.2.2 that we endorsed in the SHVA Report and Order. It is similar to the point-to-point predictive model we established for digital television (DTV) coverage and interference prediction. The ILLR model does not replace the current Commission rules for field strength contours (§ 73.683) or prediction of coverage for non-SHVA purposes (§ 73.684). In fact, the ILLR model may identify unserved households lying within a station's Grade B contour and may, likewise, identify served households outside a Grade B contour.

8. In Appendix A, we specify the technical details that are to be used with Longley-Rice 1.2.2 to qualify the latter as the ILLR model required under the SHVIA. The SHVA Report and Order left some of these details to choice since it offered ILLR only as a means to make administration of the unserved household rule under SHVA easier and more cost-effective. Here, some of the Longley-Rice 1.2.2 input parameters have values different from those utilized for application of the model to DTV.

B. Improvements in the Model

9. We propose to improve the ILLR model by adding clutter loss parameters. The clutter loss includes the effects of both vegetation and buildings and is dependent upon the environment of the individual household reception point. Reception point environments are to be classified in terms of the codes used in the Land Use and Land Cover (LULC) database of the United States Geological Survey, and clutter loss values are to be added to the radio propagation loss predicted by basic Longley-Rice 1.2.2.

10. To simplify use of the database for ILLR purposes, we have reorganized the LULC categories in a way specifically relevant to radio propagation. After regrouping, we identify 10 environmental classes, almost all of which are combinations of several of the original LULC categories. Since many of the original LULC categories distinguish between environments in ways that are unimportant for propagation prediction, it is clear that simplification is in order. The particular simplification we are proposing for the ILLR is defined in Appendix A along with other details of the ILLR model. This simplification is the same as a classification system currently under consideration by an industry standardization committee.

11. In the improved ILLR model, it is contemplated that a clutter loss value (a reduction in available signal intensity) will be associated with each and every LULC classification in a way that is also dependent upon frequency. However, the available data for assigning values to these parameters is limited, and we believe it is reasonable to assign values only in situations for which measurement data have been analyzed and published, or for which we have some confidence in deriving such values. We are basing the ILLR table of clutter loss on the results published in a recent engineering journal by Thomas N. Rubinstein. Since the Rubinstein values of clutter loss are derived exclusively from measurements made at receiver sites with Fresnel clearance, the values should apply only to matching situations. For other situations, the clutter loss will have to remain equal to the default value of zero dB, the value it effectively has in the current ILLR model where LULC data is not used. We recognize that, under this approach, the number of situations in which clutter loss may be taken into account will be limited. We therefore request comment on whether other data are available that would allow us to expand the application of clutter loss considerations, and whether there are other approaches that are scientifically supported and could be integrated into the ILLR model to take into account losses due to vegetation and man-made structures.

12. It is particularly problematic that the Rubinstein table of losses does not cover low band VHF television, channels 2 through 5, so that no clutter loss can be assigned to reception on these channels without introducing an exception to our principle of not assigning values unless measurement data have been analyzed and published for matching situations. We are proposing to address this problem by using clutter loss values for low band channels that are derived by applying frequency trend data to the Rubinstein clutter loss values for high band VHF. The frequency trend we have applied is that found by Okumura. The low band values obtained in this way are tabulated in Appendix A. Comments are requested on the acceptability of this approach.

C. Procedures for Continued Refinement

13. Because of copyright law implications addressed by the SHVIA, we believe that formal rule making is appropriate to make changes in the future in the ILLR model that we adopt in this proceeding. We seek comment on this proposed procedure and any other suggestions for revising the ILLR in a timely fashion.

D. Designation of Neutral and Independent Entity for Signal Tests Purposes

14. In addition to requiring that the Commission conduct a rule making to improve the ILLR predictive model, section 339 prescribes procedures for selecting a qualified, independent person to test the signal at a household. In particular, section 339(c)(4)(B) provides:

> If the satellite carrier and the network station or stations asserting that the retransmission [of a signal of a distant

network station] is prohibited are unable to agree on such a person to conduct the test, the person shall be designated by an independent and neutral entity designated by the Commission by rule.

15. We seek comment on how to identify qualified entities as candidates to fulfill this legislative requirement. What types of qualifications should such an entity possess? Are there industry testing labs in existence that could fill this role? What characteristics will demonstrate the independence and neutrality contemplated by the statute? Should there be multiple designating entities across the country or one central clearinghouse?

16. We recognize the importance of completing the proceeding to determine the designated tester as quickly as possible and, therefore, include this issue in this expedited proceeding to revise the ILLR.

Appendix A—Technical Data

This appendix specifies technical details and input parameters that are to be used with Longley-Rice Version 1.2.2 to qualify the latter as the Individual Location Longley-Rice (ILLR) propagation prediction model per § 73.683(d) of the FCC rules. The method for including Land Use and Land Clutter (LULC) classifications of locations with attributed clutter loss values is defined here. This appendix will be republished as OET Bulletin No. 70 and included in FCC rules by reference.

Computer code for the Longley-Rice radio propagation prediction model is published in an appendix of NTIA Report 82–100, A Guide to the Use of the ITS Irregular Terrain Model in the Area Prediction Mode, authors G.A. Hufford, A.G. Longley and W.A. Kissick, U.S. Department of Commerce, April 1982. The report may be obtained from the U.S. Department of Commerce, National Technical Information Service, Springfield, Virginia, by requesting Accession No. PB 82–217977. Some modifications to the code were described by G.A. Hufford in a memorandum to users of the model dated January 30, 1985. With these modifications, the code is referred to as Version 1.2.2 of the Longley-Rice model. It is available for downloading at the U.S. Department of Commerce Web site, <http://elbert.its.bldrdoc.gov/itm.html>.

When run under the conditions given in Table 1, the Longley-Rice model becomes the ILLR per § 73.683(d) of the FCC rules. Note especially the following unique features of the ILLR prediction procedure (they distinguish the ILLR model from, for instance, the use of Longley-Rice for digital television coverage and interference calculations as detailed in OET Bulletin No. 69):

- The time variability factor is 50% presuming that the ILLR field strength prediction is to be compared with a required field (the Grade B field intensity defined in § 73.683(d) of the FCC rules) that already includes an allowance for long term (daily and seasonal) time fading;
- The confidence variability factor is 50% indicating median situations;
- The model is run in individual mode;
- Terrain elevation is considered every 1/10 of a kilometer;
- Receiving antenna height is assumed to be 6 m (20 feet) above ground for one-story buildings and 9 m (30 feet) above ground for buildings taller than one-story;
- Where error codes indicate a severe error, the field strength is deemed inadequate for TV service;
- Land use and land cover (e.g., vegetation and buildings) considerations are included.

The field strength of a network TV station at an individual location is predicted as follows:

(1) Find engineering data for the network affiliate station of interest by, for example, consulting the FCC Web site at (http://www.fcc.gov/mmb/vsd/). Necessary data are station latitude and longitude, height above mean sea level of the radiation center, and the effective radiated power (ERP) in the direction of the individual location under study.

(2) Run Longley-Rice 1.2.2 in the point-to-point mode with the parameters specified in Table 1 to find the propagation path loss relative to free space propagation.

(3) Examine the path terrain profile and direct ray from the transmitter radiation center to the 6- or 9-meter receiving point to determine whether the ray clears by at least 0.6 of the radius of the first Fresnel zone. If not, the ILLR Clutter Loss is 0 dB and steps 4 and 5 should be omitted.

(4) Find the USGS Land Use and Land Cover classification of the individual location under study by consulting the LULC database, available from the USGS web page <http://edcwww.cr.usgs.gov/glis/hyper/guide/1__250__lulc>.

(5) Convert the USGS Land Use and Land Cover classification to the corresponding ILLR category using Table 2, and find the associated clutter loss from Table 3.

(6) Finally, calculate the ILLR field strength prediction from the formula

Field = (Free Space Field) − (Longley-Rice 1.2.2 Path Loss) − (ILLR Clutter Loss)

where the *Free Space Field* in dBμ = 106.92 + $10\log_{10}$(ERP) − $20\log_{10}$(distance), and *distance* is the path length in kilometers from transmitter to the individual location under study.

HG(1) in Table 1 is the height of the radiation center above ground. It is determined by subtracting the ground elevation above mean sea level (AMSL) at the transmitter location from the height of the radiation center AMSL. The latter may be found in the FCC's TV Engineering Data Base while the former is retrieved from the terrain elevation data base as a function of the transmitter site coordinates also found in the TV Engineering Data Base.

Terrain elevation data at uniformly spaced points between the transmitter and receiver must be provided. The ILLR computer program must be linked to a terrain elevation data base with values every 3 arc-seconds of latitude and longitude or closer. The program should retrieve elevations from this data base at regular intervals with a spacing increment of 0.1 kilometer (parameter XI in Table 1). The elevation of a point of interest is determined by linear interpolation of the values retrieved for the corners of the coordinate rectangle in which the point of interest lies.

TABLE 1.—PARAMETER VALUES FOR ILLR IMPLEMENTATION OF THE LONGLEY-RICE FORTRAN CODE

Parameter	Value	Meaning/comment
EPS	15.0	Relative permittivity of ground.
SGM	0.005	Ground conductivity, Siemens per meter.
ZSYS	0.0	Coordinated with setting of EN0. See page 72 of NTIA Report.
EN0	301.0	Surface refractivity in N-units (parts per million).
IPOL	0	Denotes horizontal polarization.
MDVAR	1	Code 1 sets individual mode of variability calculations.
KLIM	5	Climate code 5 for continental temperate.
XI	0.1 m	Distance between successive points along the radial from transmitter to individual reception point.
HG(1)	See text	Height of the radiation center above ground.
HG(2)	6m, or 9 m	Height of TV receiving antenna above ground. Use 6 m for one-story building; otherwise 9 m.
KWX	Numeric error marker	KWX is an output indicating the severity of a possible error due to parameters being out of range. Accept the field strength prediction when KWX equals 0 or 1, otherwise (KWX = 2, 3, or 4) presume the field is inadequate for TV reception.
LULC Category	1 to 10	This parameter is added to Longley-Rice for ILLR purposes. See Tables 2 and 3.

TABLE 2.—REGROUPING OF LULC CATEGORIES FOR ILLR APPLICATIONS

[The United States Geological Survey (USGS) maintains a database on land use and land cover indicating features such as vegetation and man-made structures. It is often called the LULC database and is available from the USGS web page at <http://edcwww.cr.usgs.gov/glis/hyper/guide/1; 250; lulc)

LULC classification number	LULC classification description	ILLR clutter category number	ILLR clutter category description
11	Residential	7	Residential.
12	Commercial and services	9	Commercial/industrial.
13	Industrial	9	Commercial/industrial.
14	Transportation, communications, & utilities	1	Open land.
15	Industrial and commercial complexes	9	Commercial/industrial.
16	Mixed urban and built-up lands	8	Mixed urban/buildings.
17	Other urban and built-up land	8	Mixed urban/buildings.
21	Cropland and pasture	2	Agricultural.
22	Orchards, groves, vineyards, nurseries, and horticultural	2	Agricultural.
23	Confined feeding operations	2	Agricultural.
24	Other agricultural land	2	Agricultural.
31	Herbaceous rangeland	3	Rangeland.
32	Shrub and brush rangeland	3	Rangeland.
33	Mixed rangeland	3	Rangeland.
41	Deciduous forest land	5	Forest land.
42	Evergreen forest land	5	Forest land.
43	Mixed forest land	5	Forest land.
51	Streams and canals	4	Water.
52	Lakes	4	Water.
53	Reservoirs	4	Water.
54	Bays and estuaries	4	Water.
61	Forested wetland	5	Forest land.
62	Non-forest wetland	6	Wetland.
71	Dry salt flats	1	Open land.
72	Beaches	1	Open land.
73	Sandy areas other than beaches	1	Open land.
74	Bare exposed rock	1	Open land.
75	Strip mines, quarries, and gravel pits	1	Open land.
76	Transitional areas	1	Open land.
77	Mixed barren land	1	Open land.
81	Shrub and brush tundra	1	Open land.
82	Herbaceous tundra	1	Open land.
83	Bare ground	1	Open land.
84	Wet tundra	1	Open land.
85	Mixed tundra	1	Open land.
91	Perennial snowfields	10	Snow & ice.
92	Glaciers	10	Snow & ice.

TABLE 3.—CLUTTER LOSS AS A FUNCTION OF ILLR LULC CLUTTER CATEGORY AND TV CHANNEL

[Clutter loss values in this table have been estimated based on the test data published by Thomas N. Rubinstein, ''Clutter Losses and Environmental Noise Characteristics Associated with Various LULC Categories,'' IEEE Transactions on Broadcasting, Vol. 44, No. 3, September 1998. Values for low band VHF have been added by extrapolation from higher frequencies using frequency trends developed by Okumura, Yoshihisa et al, ''Field Strength and its Variability in VHF and UHF Land Mobile Radio Service,'' Rev. Electrical Comm Lab, Vol. 16, Sept–Oct 1968, pp 825–873.]

ILLR clutter category number	ILLR clutter category description	Clutter Loss—dB to be added to Longley-Rice prediction of path loss provided the path profile shows 0.6 Fresnel clearance			
		Low band VHF, channels 2–5	High band VHF, channels 7–13	UHF band	
				Channels 14–36	Channels 38–69
1	Open Land	6	7	12	16
2	Agricultural	7	8	14	18
3	Rangeland	7	9	10	19
4	Water	0	0	0	0
5	Forest Land	7	8	16	25
6	Wetland	0	0	0	0
7	Residential	10	12	16	21
8	Mixed Urban/Buildings	10	15	17	18
9	Commercial/Industrial	10	15	15	17
10	Snow and Ice	0	0	0	0

List of Subjects in 47 CFR Part 73

Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2143 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[CS Docket No. 00–2; FCC 00–4]

Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Nonduplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmissions

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to implement certain aspects of the Satellite Home Viewer Improvement Act of 1999, which was enacted on November 29, 1999. Among other things, the act authorizes satellite carriers to add more local and national broadcast programming to their offerings and seeks to place satellite carriers on an equal footing with cable operators with respect to availability of broadcast programming. This document discusses specifically the implementation of regulations that would apply current cable rules for network nonduplication, syndicated program exclusivity and sports blackout to satellite carriers.

DATES: Comments due February 7, 2000; reply comments are due February 28, 2000. Written comments by the public on the proposed information collections are due March 3, 2000. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before April 3, 2000.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Virginia Huth, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW, Washington, DC 20503 or via the Internet to vhuth@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Eloise Gore at (202) 418–7200 or via internet at via internet at *egore@fcc.gov*. For additional information concerning the information collection(s) contained in this document, contact Judy Boley at 202–418–0214, or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (''NPRM''), FCC 00–4, adopted January 5, 2000; released January 7, 2000. The full text of the Commission's NPRM is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) at its headquarters, 445 12th Street, SW Washington, DC 20554, or may be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036, or may be reviewed via internet at http://www.fcc.gov/csb/

Synopsis of the Notice of Proposed Rulemaking

I. Introduction

1. In this Notice of Proposed Rulemaking (''*Notice*''), we seek comment on our implementation of certain aspects of the Satellite Home Viewer Improvement Act of 1999 (''SHVIA''), which was enacted on November 29, 1999. This act authorizes satellite carriers to add more local and national broadcast programming to their offerings, and to make that programming available to some subscribers who previously have been prohibited from receiving broadcast programming via satellite. The legislation generally seeks to place satellite carriers on an equal footing with cable operators with respect to the availability of broadcast programming. By this Notice we seek comment on the adoption of implementing regulations that apply network nonduplication, syndicated program exclusivity, and sports blackout requirements to satellite carriers.

2. Section 1008 of the SHVIA creates a new section 339 of the Communications Act of 1934 (''Communications Act'') entitled ''Carriage of Distant Television Stations by Satellite Carriers.'' Section 339(b) directs the Commission to apply these three rules (*i.e.*, network nonduplication, syndicated exclusivity, and sports blackout), previously applicable only to cable television systems, to satellite carriers' retransmission of nationally distributed superstations to subscribers. The Commission must also apply the cable sports blackout rule to satellite carriers' retransmission of network stations to subscribers, but only ''to the extent technically feasible and not economically prohibitive.'' This proceeding will consider how best to apply these rules to satellite carriers consistent with the statutory requirements and the Commission's goal of facilitating competition in the multichannel video programming distribution marketplace.

3. The complexity of both the statutory provisions and the existing cable rules that we are charged with applying in this new context requires that we include an explanation of the existing network nonduplication, syndicated exclusivity, and sports blackout rules as they apply to cable operators. We seek here to minimize the likelihood of confusion in the future by assuring that we begin with a common understanding of the rules and terminology. These rules have been in existence for 25 years, and the nuances attendant to enforcement and compliance require some explication to provide a solid foundation from which to build a new set of rules to apply to satellite carriers. This is particularly important given that Congress has asked us to implement these new rules so that they will be ''as similar as possible'' to the rules applicable to cable operators. Our goal throughout this proceeding is to develop regulations that will be as clear and easy to follow as possible. Our purpose in laying out the cable rules here is so that the newly covered satellite carriers and other parties will have an understanding of the existing rules for the preparation of their comments in this proceeding. Likewise, it is important to describe in some detail the interpretation of the statute upon which we will base our rulemaking. We seek comment on these explanations and interpretations.

II. Statutory Provisions and Interpretations

4. The first statutory provision discussed, section 339(b)(1)(A), requires application of three cable rules, network nonduplication, syndicated exclusivity, and sports blackout, to satellite retransmission of nationally distributed superstations. The second statutory provision, section 339(b)(1)(B), applies one of these cable rules, sports blackout, to satellite retransmission of network stations. As discussed, one important distinction between these provisions is that nationally distributed superstations may be retransmitted to both served and unserved households, but network stations may only be retransmitted to unserved households.

5. The Commission rules in question here, as applied in the cable context, generally protect exclusive contractual rights that have been negotiated between broadcasters and program providers or other rights holders. These exclusive contractual rights are potentially threatened by cable systems that are capable of retransmitting programming from distant sources beyond the control of the contracting parties. The Commission's network nonduplication, syndicated exclusivity and sports blackout rules provide that specific programs must be deleted from distant signals delivered to cable subscribers if the programs are subject to exclusive contracts to local stations or, in the context of sporting events, if carriage from distant stations would violate sports blackout arrangements to protect gate receipts in the local market. To determine how best to apply these cable rules in the satellite context, it is first necessary to understand the underlying statutory scheme. To that end, we first discuss the relevant provisions of the SHVIA statute and our interpretations of these provisions.

A. Section 339(b)(1)(A): Application of Network Nonduplication, Syndicated Exclusivity, and Sports Blackout to Retransmission of Nationally Distributed Superstations

6. Section 339(b)(1)(A) of the Communications Act requires the Commission ''to apply network nonduplication protection (§ 76.92), syndicated exclusivity protection (§ 76.151), and sports blackout protection (§ 76.67) to the retransmission of the signals of nationally distributed superstations by satellite carriers to subscribers.'' For these purposes, a ''nationally distributed superstation'' is a term that is defined as a television broadcast station, licensed by the Commission, that meets the following three criteria:

(A) is not owned or operated by or affiliated with a television network that, as of January 1, 1995, offered interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more States;

(B) on May 1, 1991, was retransmitted by a satellite carrier and was not a network station at that time; and

(C) was, as of July 1, 1998, retransmitted by a satellite carrier under the statutory license of section 119 of title 17, United States Code.

It appears that the television broadcast stations that meet the foregoing criteria are limited to KTLA–TV (Los Angeles), WPIX–TV (New York), KWGN–TV (Denver), WSBK–TV (Boston), WWOR–TV (New York) and WGN–TV (Chicago). We do not believe that any other station could meet these criteria in the future due to the date-specific conditions set forth in the definition. We believe this is, therefore, a finite list of the nationally distributed superstations covered by the statute, but we invite comment on this issue. We also note that the statutory definitions of network station, television network, and television broadcast station generally contemplate entities within the United States. We seek comment on the relevance of this issue in this proceeding. Are stations based in foreign countries affected by the SHVIA provisions requiring application of the cable exclusivity and sports blackout rules to satellite retransmissions?

7. A nationally distributed superstation is a type of ''superstation,'' which is defined in the Copyright Act of 1947, *as amended* (''Copyright Act''), as ''a television broadcast station, other than a network station, licensed by the Federal Communications Commission that is secondarily transmitted by a satellite carrier.'' By creating this special category known as nationally distributed superstations, Congress permits satellite carriers to retransmit these superstations to subscribers regardless of whether they are ''served'' or ''unserved'' pursuant to the Copyright Act. Congress achieved this result by amending the section 119 compulsory copyright license in the Copyright Act. The amended copyright provision provides that the retransmission of nationally distributed superstations to subscribers who do not reside in ''unserved households'' shall not violate the compulsory copyright license. While section 1005(b) of the SHVIA does not refer to nationally distributed superstations expressly, the criteria for its application are identical to those contained in the definition of a nationally distributed superstation. Thus, we believe that based on section 1005(b), there is no geographic restriction on the retransmission of ''nationally distributed superstations'' pursuant to the compulsory copyright license.

8. In addition to amending the Copyright Act, section 1009 of the SHVIA amends the retransmission consent section of the Communications Act, which generally prohibits multichannel video programming distributors from retransmitting the signals of a broadcaster absent the broadcaster's written authorization. The SHVIA exemption allows a satellite carrier to retransmit the signal of a superstation in the absence of written consent from the superstation if: (i) the station was a superstation on May 1, 1991, and (ii) the station was retransmitted by the satellite carrier as of July 1, 1998, provided the satellite carrier complies with the Commission's nonduplication, syndicated exclusivity, and sports black out rules. This provision differs slightly from the definition of a nationally distributed superstation in that it does not specify that the superstation must not be affiliated with a network that existed as such as of January 1, 1995. At this time, this distinction is without practical significance because the six television stations cited meet the relevant criteria of either definition, and there are no additional stations that are included or excluded by operation of this third criterion. Taking all these provisions together, we believe that, pursuant to these new statutory provisions in the Copyright Act and the Communications Act, satellite carriers are permitted to retransmit the signals of the nationally distributed superstations covered by section 339(b)(1)(A) to both served and unserved households without the station's consent and without geographic restriction.

9. We believe that Congress' purpose in applying the network nonduplication, syndicated exclusivity, and sports blackout rules to these satellite retransmissions reflects a balance between providing access to national programming carried by the superstation and a recognition that, in the absence of retransmission consent requirements, broadcasters and rights holders will have no opportunity to protect their contractual rights. We also believe Congress is seeking to create parity between the regulations covering satellite carriers and cable operators. We seek comment on this interpretation of the operation and underlying intent of the statutory requirements.

B. Section 339(b)(1)(B): Application of the Sports Blackout Rule to Retransmission of Network Stations

10. In addition to applying the existing cable rules to nationally distributed superstations, section 339(b)(1)(B) requires the Commission to ''apply sports blackout protection (§ 76.67) to the retransmission of the signals of network stations by satellite carriers to subscribers'' ''to the extent technically feasible and not economically prohibitive.'' By its terms, section 339(b)(1)(B) applies only to ''network stations,'' which are, generally, television broadcast stations owned or operated by, or affiliated with, one or more of the television networks. Affiliates of these networks are the only entities that meet the definition of a

television network station contained in the Copyright Act and are the only stations covered by section 339(b)(1)(B). We note that in the cable context, the Commission's sports blackout rule applies to any television broadcast station and is not limited to network stations. We seek comment on whether the cable rules are indeed broader in scope than section 339(b)(1)(B).

11. We also observe that the title of new section 339, ''Carriage of Distant Television Stations by Satellite Carriers,'' suggests that this section is intended to apply to satellite retransmission of *distant* network stations, notwithstanding that the text of section 339(b)(1) does not specifically so state. We seek comment on this interpretation, which is relevant to determining which satellite retransmissions are covered by this section of the statute.

III. Implementation of the Statutory Requirement

12. In general, under the new statutory provisions, the network nonduplication, syndicated exclusivity, and sports blackout rules will apply when a satellite carrier retransmits a nationally distributed superstation to a household within a local broadcaster's zone of protection, and the nationally distributed superstation carries a program to which the local station has exclusive rights. In these cases, the television broadcast station holding exclusive rights may require the satellite carrier to blackout these particular programs for the satellite subscriber households within the protected zone. We seek comment generally on the appropriate manner in which to implement the provisions of section 339(b)(1) of the Communications Act. In particular, we seek comment on whether the amended provisions should be incorporated into existing §§ 76.67, 76.92, and 76.151 of the Commission's rules, or whether we should adopt new separate rules for satellite carriers.

A. Network Nonduplication Rule

13. The Commission's cable television network nonduplication rule allows a television broadcast station that has purchased exclusive rights to network programming within a specified area to protect its exclusivity on local cable systems. The rules allow a local television broadcast station to demand that a local cable system's duplicate carriage of the same program from an otherwise distant station be blacked out. A station may assert its exclusivity rights regardless of whether its signal is carried by the cable system in question. These rules are not statutorily mandated. They arose from the Commission's recognition in the 1970s and 1980s that protection of exclusive contractual rights is necessary both to protect local broadcasters from the importation of non-local stations by cable systems and to provide appropriate protections and incentives to program producers and distributors to provide the programming desired by viewers.

14. Under the network nonduplication rule, a television station is entitled to assert its exclusivity rights against a cable system serving any ''cable community unit'' within its ''specified zone'' that is carrying duplicative programming for which the local station has obtained exclusive distribution rights. The rule applies on a community unit basis by requiring the cable system for a particular community unit to black out a specific program based on the priorities established in the rule. The ''specified zone'' of a television broadcast station is the 35 mile area surrounding its community of license. The zone of exclusivity protection for television stations licensed to smaller television markets extends an additional 20 miles, for a total 55 miles surrounding a smaller television station's community of license. We seek comment on whether Congress intended to retain the same geographic zones for satellite carriers as those used in the cable context.

15. While the Commission's rules allow television stations to assert their nonduplication rights within the above territorial limits, a television station's rights within these areas are limited by the terms of the contractual agreement between the station and the holder of the rights to the program (''rights holder''). Thus, if the rights holder grants the television station a zone of protection of ten miles, then that station would be precluded from exercising its nonduplication rights against any cable system located more than ten miles from that station's city of license. In addition, for local programming to be protected, the local programming must be the same as the distant programming that is being imported into a local station's market.

16. In order to exercise nonduplication protection, a television broadcast station must notify cable operators of the rights they have obtained within 60 days of the signing of a contract affording exclusive rights. In adopting these rules, the Commission recognized that affected cable operators would need sufficient time to negotiate for the lifting of the requested protection or to arrange for alternative sources of programming to fill the void left when a station exercised its rights. In this regard, television stations have been required to disclose the exact contractual terms under which they have been granted exclusivity protection. We seek comment on how the notification process described in the network nonduplication rule can be applied to satellite carriers and on whether the 60 day period and the other notification periods used in the cable context are appropriate for satellite carriers.

17. There are several exceptions to application of the network nonduplication rule. First, the network nonduplication rule is inapplicable to any non-commercial educational (''NCE'') station programming carried in fulfillment of a cable system's mandatory carriage rules. Second, because of the cost of the equipment necessary to carry out deletions, the Commission exempted cable systems having fewer than 1,000 subscribers.

18. The rule also does not apply if the distant station's signal is ''significantly viewed'' in a relevant cable system community. The concept of significant viewing is directly related to whether an otherwise distant station's broadcast signal is viewable over-the-air in a cable community unit. The significantly viewed exception to the exclusivity rules is meant to insure that any programming that is available terrestrially in a community from an over-the-air station will not be blacked out on a community's cable system. We seek comment on the relevance in the satellite context of the exception for significantly viewed stations. Are there situations in which a nationally distributed superstation from an adjacent market could be significantly viewed within the relevant specified zone based on terrestrial transmission? We believe a nationally distributed superstation could only qualify as significantly viewed based on terrestrial broadcast reception over-the-air in the areas surrounding its city of license, thus limiting the relevance of this exception to those circumstances in which the superstation is actually functioning as a local station, and therefore, arguably, not covered by the terms of section 339(b)(1)(A).

19. Under the cable network nonduplication rules, if the cable community unit is located in one or more overlapping specified zones, neither station can blackout the other station's duplicating programming because both stations have equal priorities. We do not believe a similar situation could occur in the satellite carrier context because superstations, as such, do not have specified zones outside of the markets from which they

originate, and, under the new statutory requirement, network nonduplication applies only to the retransmission of nationally distributed superstations and not to retransmission of network stations. We seek comment on this issue.

B. Syndicated Program Exclusivity Rule

20. The Commission's syndicated program exclusivity rule allows local stations to protect their exclusive distribution rights for syndicated programming on local cable systems in a local market. This rule is similar in operation to the network nonduplication rule, but it applies to exclusive contracts for syndicated programming, rather than for network programming. In this rule, too, a local television station is entitled to assert its exclusivity rights within a specified zone of 35 miles surrounding a television station's city of license. Unlike the network nonduplication rule, however, the maximum zone of protection allowed under the rules is 35 miles surrounding a television station's city of license in a non-hyphenated television market and 35 miles surrounding each named city in any size hyphenated market; the zone of protection is not greater in smaller markets.

21. As with network nonduplication, the syndicated exclusivity rule applies on a community unit basis by requiring the cable system for a particular community unit to black out a specific program based on the priorities established in the rule. In addition, the geographic limits for exclusivity under the Commission's rules are limited by the terms of the contractual agreement between the station and the holder of the rights to the program. Thus, if the rights holder grants the television station a zone of protection of ten miles, then that station would be precluded from exercising its exclusivity rights against any cable system located more than ten miles from that station's city of license. In addition, as with the network nonduplication rules, for syndicated programming to be protected, the programming covered by the contract must be the same as the distant programming.

22. To exercise syndicated exclusivity protection under the cable rule, a television broadcast station must notify cable operators of the rights they have obtained within 60 days of the signing of a contract affording exclusivity rights, and must disclose the exact contractual terms under which they have been granted exclusivity protection. In addition to the television broadcast station, distributors of syndicated programming are also allowed to seek protection for a period of one year from the initial licensing of such programming anywhere in the United States, except where the relevant programming has already been licensed. We seek comment on whether the rights holder should, in the satellite context, notify the satellite carrier directly. We also seek comment on whether the 60 day period and the other notification periods used in the cable context for both network nonduplication and syndicated exclusivity are appropriate for satellite carriers.

23. The exceptions to application of the syndicated program exclusivity rule are similar to those that apply to the network nonduplication rule. Cable systems with fewer than 1,000 subscribers are exempted, again because of the cost of the equipment necessary to carry out deletions. This rule also does not apply if the distant station's signal is ''significantly viewed'' in a relevant cable system community. In addition, the syndicated programming of an otherwise distant station need not be blacked out if that station's grade B signal encompasses the relevant cable community. There is no exception to the syndicated exclusivity rules for NCE station programming carried pursuant to mandatory carriage because the syndicated exclusivity rule applies only to commercial stations.

C. Sports Blackout Rule

24. The Commission's sports broadcasts rule (''sports blackout rule'') is designed to allow the holder of the exclusive distribution rights to local programming, in this case sporting events, to control, through contractual agreements, the display of that event on local cable systems. Unlike the other cable rules we are required to apply to satellite carriers, only the sports blackout rule applies to retransmission of both nationally distributed superstations and network stations. The purpose of the sports blackout rule is to insure the continued general availability of sports programming to the public. The Commission adopted this rule based on a concern that sports teams would refuse to sell the rights to their local games to television stations serving distant markets due to their fear of losing gate receipts if the local cable system imported the local sporting event carried on the distant station. The Commission stated this would have the ultimate undesirable effect of making sporting events available to fewer viewers. When a subject sporting event will not be aired live by any local television station carried on a community unit cable system, the sports blackout rule allows the rights holder to the event to demand that the local cable system blackout the distant importation of the subject sporting event. Section 76.67(a) applies ''if the event is not available live on a television broadcast signal carried by the community unit meeting the criteria specified in §§ 76.5(gg)(1) through 76.5(gg)(3) of this part.'' 47 CFR 76.5(a). The former § 76.5(gg) defined ''basic cable service'' for purposes of basic cable service rate regulation and incorporated the standard for mandatory carriage under the Commission's original 1972 must-carry rules. In summary, for purposes of rate regulation of the basic tier at that time, § 76.5(gg) provided that the basic tier for cable systems serving communities located outside all major and smaller television markets included television broadcast stations within whose Grade B contours the community of the community unit was located; for communities in smaller television markets, the basic tier included television broadcast stations within whose specified zone the community of the community unit is located, commercial television broadcast stations licensed to communities in other smaller television markets within whose Grade B contours the community of the community unit is located, and television broadcast stations licensed to communities that are generally considered to be part of the same smaller television market; and for communities in major television markets, the basic tier included television broadcast stations within whose specified zone the community of the community unit is located and television broadcast stations licensed to other designated communities of the same major television market; as well as, in all size markets, commercial television broadcast stations that were significantly viewed in the community of the community unit. The zone of protection afforded by the sports blackout rule is generally 35 miles surrounding the reference point of the broadcast station's community of license in which the live sporting event is taking place. As with the Commission's exclusivity rules, the sports blackout rule specifies notification procedures regarding the sports programming to be deleted. However, the time frame allowed for notification is significantly shorter in the case of the sports blackout rule, and can be as little as 24 hours in contrast to 60 days for the other rules. We seek comment on whether the same timing should apply for both cable operators and satellite carriers.

25. As with the network nonduplication and syndicated exclusivity rules, the sports blackout rule does not apply to cable systems with fewer than 1,000 subscribers. This exemption is based on the cost of the equipment needed to delete programming. We seek comment on whether there is an analogous situation for satellite carriers. Will there be situations in which there may be no more than 1,000 subscribers in an area subject to program blackout, and, if so, is there a significant cost to blacking out this limited number of subscribers? We seek specific information from satellite carriers on the likelihood of the occurrence of this situation. We seek comment on these questions with respect to the network nonduplication and syndicated exclusivity rules, as well as the sports blackout rule. We particularly seek specific information from satellite carriers on the comparative costs per subscriber of deleting programming where more than or less than 1,000 subscriber households are affected.

26. As noted, the sports blackout rule for cable systems applies only in a limited 35 mile geographic area surrounding the relevant broadcast station's community reference point and only when no local television station is carrying the event. Typically this area contains households that can receive a signal of Grade B intensity or better. Because the section 119 compulsory copyright license only allows the retransmission of distant network stations to unserved households, *i.e.* those that cannot receive a signal of Grade B intensity, and because the existing sports blackout zone is typically limited to an area containing only served households, we expect that there would be few occasions where a subscriber residing within a sports blackout zone would be eligible to receive protected programming *via* distant network retransmissions made pursuant to the section 119 compulsory copyright license. Thus, there may be very few occasions where, as a practical matter, the sports blackout rule could be invoked for a satellite retransmission of network stations. It may, however, present technical and economic challenges to the satellite carrier to take the actions necessary to blackout out the sports broadcast in these comparatively few situations. We seek comment on this issue.

27. The SHVIA's directive to apply the network nonduplication, syndicated exclusivity, and sports blackout rules to satellite retransmission of nationally distributed superstations appears to apply without any limitation based upon a satellite carrier's technical ability to comply. The SHVIA, however, limits application of the sports blackout rule to retransmission of network stations ''to the extent technically feasible and not economically prohibitive.'' The legislative history suggests that a ''very serious economic threat to the health of the carrier'' is necessary to justify deviating from the cable rules. We seek comment concerning the circumstances in which the sports blackout rule should apply in the satellite context, on whether the 35 mile zone is appropriate in the satellite context, and, particularly, on the technical and economic consequences related to satellite carriers' compliance with the rule.

28. We note that satellite carriers routinely provide pay-per-view events and descramble programming by use of ''conditional access'' mechanisms. With regard to the question of technical and economic effects on the satellite carrier, we ask whether conditional access mechanisms can be used to blackout sports programming on network stations. If the satellite provider can identify the households required to be blacked out for a specific sporting event, would conditional access provide the means to initiate the blackout? How much lead time would a satellite carrier need if conditional access can meet this requirement? What would the cost be per subscriber to implement sports blackout, as compared to the other exclusivity rules, using conditional access? Commenters are asked to address consideration of both the economic and technical considerations facing satellite carriers.

29. Under the new section 122 of the Copyright Act, a satellite carrier may retransmit the signal of a network station to all subscribers within that station's local market, which is defined as its Designated Market Area (''DMA''). It is possible that in areas in which there are two affiliates of the same network within the same DMA, a ''served'' subscriber would be eligible to receive both network stations based on the satellite carrier's ''local-into-local'' license because the subscriber resides in the DMA of the second station. The geographic area for purposes of the sports blackout zone surrounding one of the affiliates is most often smaller than the DMA. If one of the affiliates is not carrying the event, the sports blackout rule can be triggered. If the second affiliate is carrying the event, then the satellite carrier might be required to blackout the event being transmitted by the second affiliate to subscribers within the 35 mile zone. Alternatively, this situation may never occur if, as a practical matter, the contractual arrangements allow the rights holder to prohibit both affiliates from broadcasting the event in question. We seek comment on whether the two-affiliates-in-one market scenario is likely to occur, and whether the rules should treat this situation differently from the retransmission of a distant network station.

IV. Additional Discussion and Request for Comment

30. We also seek comment, generally, on how to apply the terms of the three existing cable rules to satellite carriers. As discussed, the cable rules refer to ''community units,'' which correspond to separate and discrete communities or municipal entities that comprise cable systems. In the cable context, all cable subscribers who are in a community unit that lies in whole or in part within the specified zone experience program deletions if the program is covered by one of these rules. There are, however, no boundaries for satellite service that readily and necessarily correspond to the cable community unit. Is it necessary to administer these rules in the satellite context using the same community unit concept that applies in the cable context? Or, is it more appropriate to consider each household served by the satellite carrier and determine if it is within a broadcaster's specified zone for protection under the rules? In either case, the satellite carrier must be able to determine the location of each subscriber in relation to the relevant zone of protection for each local broadcast television station. How can a satellite carrier accurately locate a subscriber whose address is a post office box or rural route number? Is it appropriate to use the subscriber's zip code for this purpose? We seek comment on which approach best serves the purposes of the statute while not unnecessarily depriving satellite subscribers who are beyond the specified zone—but within a community unit that lies partially within the specified zone—of programming. We also seek comment on how the use of DMA in the SHVIA to define the local market applies to determination of the specified zone for purposes of the nonduplication, syndicated exclusivity and sports blackout rules in the satellite context.

31. The syndicated exclusivity and sports blackout rules make specific provision for what type of programming a cable system may substitute for programming deleted pursuant to these rules. For example, when a program is blacked out based on syndicated rights, a cable operator may substitute a

program from any other television broadcast station and carry that program. We seek comment on what types of programming and methods of substitution are appropriate for satellite carriers. What role do retransmission consent requirements, as well as copyright licensing requirements, play in determination of substitute programming?

32. Congress apparently chose not to extend application of the network nonduplication and syndicated exclusivity rules to retransmission of television broadcast stations other than nationally distributed superstations. We believe that the statutory requirements, nevertheless, will protect all contractual arrangements because the satellite carrier either needs the retransmission consent of the independent station or voluntarily complies with the exclusivity and sports blackout rules. We believe, therefore, that the interests of rights holders and local broadcasters are protected, but we seek comment on this issue.

33. It has been suggested that the Commission consider certain additional issues concerning the distribution of sports programming that are related to, but not directly covered by, the SHVIA. The National Football League sells packages of programming to networks on a national basis, but different games are broadcast locally on a regional basis, often in two-game packages. To the extent that broadcasts of games are carried into local markets on distant broadcast signals via satellite, the network nonduplication and other rules involved in this proceeding appear to offer neither the stations nor the leagues involved any protection beyond the rights to the particular games that local stations are authorized to broadcast. In light of the SHVIA's restrictions on households that are eligible to receive distant network signals, it is not clear to what extent carriage of distant signals providing different games merits remedial action. We seek comment on the question of how the patterns of sports carriage involved are addressed by the new law, and whether they can and should be addressed in the regulations the Commission is required to adopt pursuant to it.

34. We note, too, that WPIX, KTLA, and KWGN are WB affiliates and WSBK and WWOR are UPN affiliates; thus all are both ''network stations'' as well as ''nationally distributed superstations,'' pursuant to the definitions in the SHVIA. Should the exclusivity rules apply to blackout programming on a local station if that station is also a nationally distributed superstation or should the station be treated only as a local station within its local market, notwithstanding that it is a nationally distributed superstation outside its market? We note by way of analogy that, in the context of mandatory cable carriage, we have concluded that local commercial stations do not become superstations until such time as they are retransmitted via satellite outside their market, an activity unrelated to their status as local commercial broadcast stations within their market. We seek comment on the applicability of that conclusion in the satellite context.

35. In addition, if we decide that it is necessary for the satellite carrier rules for sports blackout protection for network stations to differ from sports blackout protection for nationally distributed superstations due to technical feasibility and economic prohibitions, we seek comment on whether the sports blackout protection for these stations should apply to them as superstations, rather than as network stations.

36. Section 339(b)(1) and the relevant part of the *Joint Explanatory Statement* are silent regarding application of the exclusivity and sports blackout rules to the retransmission of digital broadcast signals. In the pending proceeding considering cable mandatory carriage of digital signals, we requested comment on how these cable rules would function for cable carriage of digital signals. Similarly here, we question whether Congress intended to apply these rules to satellite retransmission of digital broadcast signals. We note that the SHVIA can be read as applying to both analog and digital broadcast signals. An alternative interpretation is that Congress was only concerned about the carriage of analog signals given that elsewhere in the statute Congress expressly mentioned digital signals and, presumably, could have done so in this context as well. We seek comment on whether and how the exclusivity rules could apply to satellite carriage of digital broadcast signals, and whether there is a meaningful distinction between analog and digital carriage issues for satellite carriers in this context.

37. As a final matter, we note that several sections of the existing cable rules contain outdated cross-references to other sections of the rules. We welcome comment on these and any other such corrections that are needed. For example, § 76.67 contains a reference to § 76.5(gg) for purposes of identifying the broadcast television stations that trigger the rule's application. Section 76.5(gg) has been eliminated. The Commission deleted § 76.5(gg) in its 1993 Order rescinding cable service rate regulation. We seek comment on whether we should reinstate a standard based upon the original criteria incorporated into § 76.5(gg) or adopt a new standard. In addition, we welcome comment on changes to the application of the rules in the cable context to the extent necessary or desirable for harmonizing the regulatory requirements among the affected parties. Also, existing § 76.5(ii) references § 76.5(o). The correct reference should be to § 76.5(m). Furthermore, the existing Note to § 76.92 references § 76.658(m) in the last sentence. The correct reference should be to § 73.658(m), as correctly stated in the second sentence of the Note.

38. In addition, § 76.51 lists the top 100 television markets in the United States. The ''Los Angeles-San Bernardino-Corona-Fontana-Riverside, Calif.'' market is listed at § 76.51(a)(2). In 1995, the Commission redesignated the ''Los Angeles-San Bernardino-Corona-Fontana-Riverside, Calif.,'' market as the ''Los Angeles-San Bernardino-Corona-Riverside-Anaheim, Calif.'' market. However, the published amendment to § 76.51(a) intended to effectuate the foregoing change inadvertently amended § 76.51(a)(28), rather than § 76.51(a)(2). As a result, the redesignated ''Los Angeles-San Bernardino-Corona-Riverside-Anaheim, Calif.'' market is listed as § 76.51(a)(28) and the ''Los Angeles-San Bernardino-Corona-Fontana-Riverside, Calif.'' market still is listed as § 76.51(a)(2). The ''Tampa-St. Petersburg-Clearwater, Florida'' market, which was listed at § 76.51(28) at the time the Commission adopted the Los Angeles Redesignation Order, was deleted inadvertently from § 76.51(a)(28) and currently is not listed elsewhere in § 76.51. The correct reference in § 76.51(a)(2) should be to the ''Los Angeles-San Bernardino-Corona-Riverside-Anaheim, Calif.'' market. The correct reference in § 76.51(a)(28) should be to the ''Tampa-St. Petersburg-Clearwater, Florida'' market.

V. Administrative Matters

A. Ex Parte Rules

39. This proceeding will be treated as a ''permit-but-disclose'' proceeding subject to the ''permit-but-disclose'' requirements under § 1.1206(b) of the rules. *Ex parte* presentations are permissible if disclosed in accordance with Commission rules, except during the Sunshine Agenda period when presentations, *ex parte* or otherwise, are generally prohibited. Persons making oral *ex parte* presentations are reminded that a memorandum summarizing a

presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. *See* § 1.1206(b)(2), as revised. Additional rules pertaining to oral and written presentations are set forth in § 1.1206(b).

B. Filing of Comments and Reply Comments

40. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before February 7, 2000 and reply comments on or before February 28, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (''ECFS'') or by filing paper copies. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, ''get form <your e-mail address.'' A sample form and directions will be sent in reply.

41. Parties who choose to file by paper must file an original and four copies of each filing. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. If more than one docket or rulemaking number appears in the caption of this proceeding commenters must submit two additional copies for each additional docket or rulemaking number. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554. The Cable Services Bureau contact for this proceeding is Eloise Gore at (202) 418–7200, TTY (202) 418–7172, or at egore@fcc.gov.

42. Parties who choose to file by paper should also submit their comments on diskette. Parties should submit diskettes to Eloise Gore, Cable Services Bureau, 445 12th Street NW, Room 4–A802, Washington, DC 20554. Such a submission should be on a 3.5-inch diskette formatted in an IBM compatible form using MS DOS 5.0 and Microsoft Word, or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only'' mode. The diskette should be clearly labeled with the party's name, proceeding (including the lead docket number in this case [CS Docket No. 00–2]), type of pleading (comments or reply comments), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, referable in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, 1231 20th Street, NW, Washington, DC 20036. Written comments by the public on the proposed information collections are due March 3, 2000. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collections on or before April 3, 2000. In addition to filing comments with the Secretary, a copy of any comments on the information collection(s) contained herein should be submitted to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, Washington, DC 20554, or via the Internet to jboley@fcc.gov and to Virginia Huth, OMB Desk Officer, 10236 NEOB, 725—17th Street, NW, Washington, DC 20503 or via the Internet to *vhuth@omb.eop.gov*.

C. Paperwork Reduction Act Statement and Initial Regulatory Flexibility Act Statement

Paperwork Reduction Act: This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. OMB notification of action is due April 3, 2000. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Control Number: 3060–xxxx.

Title: Implementation of the Satellite Home Viewer Improvement Act of 1999: Application of Network Nonduplication, Syndicated Exclusivity, and Sports Blackout Rules to Satellite Retransmission.

Type of Review: New collection or revision of existing collection.

Respondents: Business or other for-profit entities.

Number of Respondents: Satellite carriers—xxxx.

Estimated Time Per Response: xxxx hours.

Total Annual Burden: xxxx.

Cost to Respondents: xxxx.

Needs and Uses: Congress directed the Commission to adopt regulations that apply network nonduplication, syndicated program exclusivity, and sports blackout requirements to satellite carriers pursuant to the changes outlined in the Satellite Home Viewer Improvement Act of 1999. The availability of such information will serve the purpose of informing the public of the method of broadcast signal carriage.

Initial Regulatory Flexibility Analysis

a. As required by the Regulatory Flexibility Act (''RFA''), the Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') of the possible significant economic impact on small entities by the possible policies and rules that would result from this Notice of Proposed Rulemaking (''Notice''). Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice provided. The Commission will send a copy of the Notice, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

b. *Need for, and Objectives of, the Proposed Rule Changes.* On November 29, 1999, the Satellite Home Viewer Improvement Act of 1999 was enacted (''SHVIA''). Section 1008 of the SHVIA creates a new section 339 of the Communications Act entitled ''Carriage of Distant Television Stations by Satellite Carriers.'' The Notice discusses adoption of implementing regulations relating to the cable rules concerning network nonduplication, syndicated program exclusivity, and sports

broadcasts to satellite carriers. Section 339(b) directs the Commission to apply these three cable rules to satellite carriers' retransmission of nationally distributed superstations to subscribers. The Commission is also to apply the sports broadcasts rule to satellite carrier's retransmission of network stations to subscribers, but only to the extent technically feasible and not economically prohibitive.

c. *Legal Basis.* The authority for the action proposed in this rulemaking is contained in sections 1, 4(i) and (j), 339 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i) and (j), and 339.

d. *Description and Estimate of the Number of Small Entities To Which the Proposed Rules Will Apply.* The IRFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. The IRFA defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small business concern'' under Section 3 of the Small Business Act. Under the Small Business Act, a small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). The rules we may adopt as a result of the Notice will affect television station licensees, satellite carriers and video program distributors and delivery services.

e. *Television Stations.* The proposed rules and policies will apply to television broadcasting licensees. The Small Business Administration defines a television broadcasting station that has no more than $10.5 million in annual receipts as a small business. Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services. Included in this industry are commercial, religious, educational, and other television stations. Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials. Separate establishments primarily engaged in producing taped television program materials are classified under another SIC number. There were 1,509 television stations operating in the nation in 1992. That number has remained fairly constant as indicated by the approximately 1,579 operating full power television broadcasting stations in the nation as of May 31, 1998.

f. Thus, the proposed rules will affect many of the approximately 1,579 television stations; approximately 1,200 of those stations are considered small businesses. These estimates may overstate the number of small entities since the revenue figures on which they are based do not include or aggregate revenues from non-television affiliated companies.

g. In addition to owners of operating television stations, any entity that seeks or desires to obtain a television broadcast license may be affected by the proposals contained in this item. The number of entities that may seek to obtain a television broadcast license is unknown. We invite comment as to such number.

h. *Small Multiple Video Program Distributors* (''MVPDs''): SBA has developed a definition of small entities for cable and other pay television services, which includes all such companies generating $11 million or less in annual receipts. This definition includes cable system operators, direct broadcast satellite services, multipoint distribution systems, satellite master antenna systems and subscription television services. According to the Census Bureau data from 1992, there were 1,758 total cable and other pay television services and 1,423 had less than $11 million in revenues. We address services individually to provide a more precise estimate of small entities.

i. *Direct Broadcast Satellite* (''DBS''): There are four licenses of DBS services under Part 100 of the Commission's Rules. Three of those licensees are currently operational. Two of the licensees which are operational have annual revenues which may be in excess of the threshold for a small business. The Commission, however, does not collect annual revenue data for DBS and, therefore, is unable to ascertain the number of small DBS licensees that could be impacted by these proposed rules. DBS service requires a great investment of capital for operation, and we acknowledge that there are entrants in this field that may not yet have generated $11 million in annual receipts, and therefore may be categorized as a small business, if independently owned and operated.

j. *Home Satellite Delivery* (''HSD''): The market for HSD service is difficult to quantify. Indeed, the service itself bears little resemblance to other MVPDs. HSD owners have access to more than 265 channels of programming placed on C-band satellites by programmers for receipt and distribution by MVPDs, of which 115 channels are scrambled and approximately 150 are unscrambled. HSD owners can watch unscrambled channels without paying a subscription fee. To receive scrambled channels, however, an HSD owner must purchase an integrated receiver-decoder from an equipment dealer and pay a subscription fee to an HSD programming package. Thus, HSD users include: (1) Viewers who subscribe to a packaged programming service, which affords them access to most of the same programming provided to subscribers of other MVPDs; (2) viewers who receive only non-subscription programming; and (3) viewers who receive satellite programming services illegally without subscribing. Because scrambled packages of programming are most specifically intended for retail consumers, these are the services most relevant to this discussion.

k. According to the most recently available information, there are approximately 30 program packages nationwide offering packages of scrambled programming to retail consumers. These program packages provide subscriptions to approximately 2,314,900 subscribers nationwide. This is an average of about 77,163 subscribers per program package. This is substantially smaller than the 400,000 subscribers used in the Commission's definition of a small MSO. Furthermore, because this is an average, it is likely that some program packages may be substantially smaller.

l. Entities which may be indirectly affected by the rules we may adopt as a result of the Notice are cable television systems.

m. *Cable Systems:* The Commission has developed, with SBA's approval, our own definition of a small cable system operator for the purposes of rate regulation. Under the Commission's rules, a ''small cable company'' is one serving fewer than 400,000 subscribers nationwide. Based on our most recent information, we estimate that there were 1,439 cable operators that qualified as small cable companies at the end of 1995. Since then, some of those companies may have grown to serve over 400,000 subscribers, and others may have been involved in transactions that caused them to be combined with other cable operators. Consequently, we estimate that there are fewer than 1,439 small entity cable systems operators that may be affected by the decisions and rules emanating out of the Notice.

n. The Communications Act also contains a definition of a small cable system operator, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1% of all subscribers in the United

States and is not affiliate with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' The Commission has determined that there are 61,700,000 subscribers in the United States. Therefore, an operator serving fewer than 617,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all of its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that the number of cable operators serving 617,000 subscribers or less totals approximately 1,450. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act. It should be further noted that recent industry estimates project that there will be a total of 64,000,000 subscribers and we have based our fee revenue estimates on that figure.

o. *Description of Projected Reporting, Recordkeeping and other Compliance Requirements.* In order to implement Section 1008 of the Satellite Home Viewer Improvement Act of 1999, which creates a new Section 339 of the Communications Act, the Commission has proposed to add new rules and modify others, as the provisions at issue previously were applicable only to cable. We have yet to determine whether to amend existing provisions of the Commission's rules, or to adopt some other regulatory framework or procedures. There are compliance requirements involving the nonduplication protection, syndicated exclusivity, and sports blackout rules. To exercise nonduplication protection and syndicated exclusivity protection, the rights holder to specific network or syndicated programming will have to notify and report to the satellite carrier, and do so within 60 days of the signing of a contract affording exclusivity rights. Such notification and reporting is required to take place within a shorter time period in the sports blackout context. In certain instances, staff may have to dedicate time and effort to monitoring and ensuring that notifications are properly given in a timely manner to satellite carriers.

p. There may be costs associated with hiring accounting or engineering personnel, as there may be instances where entities may have to provide detailed information relating to such aspects of their particular operations. Specifically, costs here may relate possibly to conducting engineering studies to accurately determine zones of protection. Further, there will likely be costs in equipment necessary to carry out deletions. The Commission recognized the significant costs involved in implementing deletions and exempted systems having 1,000 or fewer subscribers.

q. In terms of record keeping, entities may have to keep a record of the contractual terms and agreements and may be required to maintain such information within their business environment. At this time, small businesses might not be impacted differently in any of the above, but we seek comment on these matters.

r. *Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.

s. As indicated, the provisions of Section 339 refer to superstations and network stations, in terms of television broadcast stations. This legislation, however, applies to small entities and large entities equally. The Commission acknowledges that consideration should be given to possible differences in size of entities, as evidenced by the fact that there are certain exemptions in the application of these rules. Overall, at this time, small entities are not treated differently and might not be impacted differently, but we seek comment.

t. *Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Proposals.* None.

VI. Ordering Clauses

43. Pursuant to section 1008 of the Satellite Home Viewer Act of 1999, section 339(b)(1) of the Communications Act of 1934, as amended, notice is hereby given of the proposals described in this Notice of Proposed Rulemaking.

44. The Commission's Consumer Information Bureau, Reference Information Center shall send a copy of this Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects in 47 CFR Part 76

Cable Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2140 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 95

[WT Docket No. 99–366; FCC 99–414]

Authorizing the Use of 406.025 MHz for Personal Locator Beacons (PLB)

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the Commission's rules to establish a new subpart H—Personal Locator Beacons under part 95 of the Commission's rules to permit the use of 406.025 MHz for PLBs. The action will provide individuals in remote areas a means to alert others of an emergency situation and help search and rescue (SAR) personnel locate those in distress.

DATES: Comments must be submitted on or before February 24, 2000 and reply comments are due on or before March 10, 2000. Written comments by the public on the proposed information collection are due on or before March 27, 2000. Written comments must be submitted to the Office of Management and Budget on proposed information collections on or before March 27, 2000.

FOR FURTHER INFORMATION CONTACT: James Shaffer, Wireless Telecommunications Bureau at (202) 418–0680.

SUPPLEMENTARY INFORMATION: 1. This is a summary of the Commission's *Notice of Proposed Rule Making* FCC 99–414, adopted on December 28, 1999, and released on date. The full text of this *Notice of Proposed Rule Making* is available for inspection and copying during normal business hours in the FCC Reference Center, Room CY A257, 445 12th Street, S.W., Washington, D.C. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, N.W., Washington, D.C. 20037.

Summary of Notice of Proposed Rule Making

2. On June 3, 1993, the National Oceanic and Atmospheric

Administration of the United States Department of Commerce (NOAA) filed a petition for rulemaking requesting that the Commission amend its rules to authorize the use of the frequency 406.025 MHz for personal locator beacons (406 MHz PLBs). The NOAA seeks this change in the Commission's rules to provide individuals in remote areas a means to alert others of an emergency situation and help search and rescue (SAR) personnel locate those in distress. The Region 20 Public Safety Planning Committee (Region 20) and Orbital Communications Corporation (ORBCOMM) filed comments supporting the use of 406.025 MHz for PLBs. For the reasons discussed herein, we propose to establish a new subpart H—Personal Locator Beacons under part 95 of the Commission's rules to permit the use of 406.025 MHz for PLBs.

3. Emergency position indicating radiobeacon stations are used to send distress signals that alert SAR personnel. In the United States such beacons are named emergency locator transmitters (ELTs) when carried on aircraft and emergency position indicating radio beacons (EPIRBs) when carried on ships. ELTs and EPIRBs transmit distress signals on 121.500 MHz, 243.000 MHz and 406.025 MHz to the COSPAS/SARSAT satellite system. EPIRBs and ELTs designed to transmit distress signals on 121.500 MHz and 243.000 MHz transmit continuous signals that are amplitude modulated with an audio swept tone. These stations also provide distress alerting and guidance (homing) assistance in emergency situations. EPIRBs and ELTs designed to transmit distress signals on 406.025 MHz transmit short, digital signals to provide distress alerting in emergencies, and use 121.500 MHz to provide homing. The 406.025 MHz digital signal contains information on the type of emergency, the country and identification code of the beacon in distress, and other information to facilitate SAR operations. Further, 406 MHz distress signals can be stored on-board COSPAS/SARSAT satellites and then later retransmitted to a ground station thus eliminating the ''blind spots'' that exist with the older 121.500 MHz and 243.000 MHz EPIRBs and ELTs.

4. The State of Alaska has held a developmental license to use Canadian-approved PLBs in Alaska since 1995. In addition to the authorization from the Commission, the State of Alaska has a Memorandum of Understanding with the NOAA, the United States Air Force Rescue Coordination Center, the United States Coast Guard's North Pacific Rescue Coordination Center, and the Alaska State Troopers, all of which participate in the PLB program. State and Federal agencies, as well as private businesses and individuals utilize the developmental program. During the 1997 calendar year the developmental program resulted in 28 activations by PLB users, with only 2 ''false'' activations. It is believed that this developmental program has contributed to the efficient, timely and safe usage of SAR resources in Alaska. It is further believed that the statewide support of the PLB program has been a key to its success.

5. In response to NOAA's petition, the Interagency Committee on Search and Rescue (ICSAR) formed a PLB Working Group to develop recommendations for PLB use generally in the United States. On September 21, 1995, the Working Group concluded that the federal SAR community should support implementation of 406 MHz PLBs and invited the Radio Technical Commission for Maritime (RTCM) Services to finalize the technical standards. On February 10, 1997, the RTCM issued final 406 MHz PLB technical standards. Currently, there is no PLB equipment that is type accepted in the United States. On February 28, 1996, the ICSAR filed a letter supporting NOAA's petition and made several recommendations for implementation of 406 MHz PLBs.

6. In the 1983 Mobile World Administrative Radio Conference for the Mobile Services (MOB–83), the frequency 406.025 MHz was allocated for the exclusive use of low-power, earth-to-space emergency position indicating radiobeacons. On August 24, 1988, the Commission adopted rules authorizing the use of this frequency for EPIRBs in the Maritime Radio Services. On May 3, 1993, the Commission also adopted rules authorizing the use of this frequency for ELTs in the Aviation Radio Services. As an integral part of these rule amendments, the Commission adopted technical standards for such radiobeacons. The Commission's experience to date with EPIRBs and ELTs that operate on this frequency has been favorable. Further, NOAA and the United States Coast Guard (Coast Guard) believe, based on experience gained from the State of Alaska developmental program, that 406 MHz distress alerting would benefit individual users in remote areas. Accordingly, we propose to amend our rules to authorize the use of 406.025 MHz for PLBs.

7. *Rule part.* Currently, radio beacons authorized to operate on 406.025 MHz are regulated in the maritime radio service rules and the aviation radio services rules and under parts 80 and 87 of the Commission's rules, 47 CFR parts 80 and 87, respectively. In these services, radiobeacons are associated with particular ships or aircraft and may be used to alert SAR resources when the ship or aircraft is in distress, and for no other purpose.However, the proposed new service using 406 MHz PLBs is intended to satisfy the individual distress alerting needs of the general public. Region 20 recommends, that, to provide service to a broad range of users the Commission regulate the use of PLBs under the Personal Radio Service rules, part 95 of the Commission's rules, 47 CFR part 95. We agree and therefore we propose to establish a new subpart H—Personal Locator Beacons (PLB) under part 95 of the Commission rules.

8. *License Requirement.* The ICSAR recommends that access to 406 MHz PLBs should be restricted. It notes that there are individuals states, such as Alaska, which desire and are willing to accept responsibility by managing a 406 MHz PLB program. It therefore recommends that individual state authorities be allowed to choose to be authorized by the Commission as PLB program manager. Under such an approach, a state would manage the use of 406 MHz PLBs within its geographical boundaries and be responsible for designating a single point of contact for receiving and responding to 406 MHz PLB distress alerts relayed by NOAA. States and their points of contact for NOAA would enter into Memorandum of Understanding with NOAA, the United States Air Force Resource Coordination Center, and the appropriate United States Coast Guard's Rescue Coordination Center for coordinating response to the distress alert. For those choosing not to be authorized by the Commission or to designate of a single point of contact for NOAA, the ICSAR recommends that land-based distress alerts, including new 406 MHz PLB alerts, continue to be handled under current procedures. The current procedures for alerts replayed by NOAA are that with prior coordination and mutual agreement, land-based alerts are replayed by the Untied States Air Force Rescue Coordination Center to points of contract designated by the state. We seek comment on this approach.

9. Because of the proposed broad eligibility and operational provisions for PLBs, recognized that there are millions of potential users. We believe that individually licensing each one would be unnecessary burdensome on the Commission without concomitant public interest benefit. Notably, on October 18, 1996, the Commission decided to license EPIRBs and ELTs by

rule, which eliminated individual licenses. We note, however, that the current ELT/EPIRB system has been designed specifically to handle aircraft and ships in distress rather than to accommodate the general public. We are concerned that the addition of a large number of users, especially users unfamiliarly with the use of radio, could hamper the present system. For these reasons, we agree with the ICSAR that individual 406 MHz PLBs should be authorized by rule. We also agree with the ICSAR that a state-managed PLB program could provide for more effective, efficient and timely management of 406 MHz OLB alerts. Therefore, we seek comment on the following issues:

(a) Whether PLB management by individual states will foster sufficiently effective SAR service?

(b) Should individual states be granted an authorization, and if so, whether states have the policy and technical expertise to implement the ICSAR recommended state authorization Plan? We are particularly interested in comment from the individual states regarding this matter because no state has requested state licensing.

(c) If individual states are licensed, what should be the process and procedures by which such licenses are granted. Specifically, should the authorizations be granted to the Governor, or an agency/organization designated by the Governor? We also seek comment on whether any relevant differences in structures of various state governments would affect the licensing of states.

(d) Other flexible licensing approaches that might promote the efficient and controlled use of 406 MHz PLBs.

10. Currently, NOAA administers and maintains a database for 406 MHz EPIRBs and ELTs that contain more than 50,000 unique identification codes and registration information for these beacons. We note that registration by EPIRB and ELT beacon owners in this database currently is mandatory, as well as strongly encouraged through education programs by the Coast Guard and NOAA. Manufacturers are required, by rule, to program into each EPIRB or ELT a unique code and provide an equipment plate or label on each 406 MHz EPIRB or ELT displaying the unique NOAA identification code and registration instructions. Manufacturers must also include a pre-paid, pre-addressed post card soliciting the owner's name and address, telephone number, the type of ship or aircraft and the unique identification code for registration in NOAA's database. It is our understanding that when the distress signal is relayed to a rescue coordination center the registration information is available to SAR personnel. With respect to registration with NOAA, we propose to treat 406 MHz PLBs in the same manner that we treat 406 MHz EPIRBs or ELTs. We proposed to require manufacturers to program each 406 MHz PLB with a unique code and to provide on each 406 MHz PLB a plate or label containing the registration instructions. Additionally, we propose to require manufacturers to include with each marketed 406 MHz PLB a pre-addressed post card soliciting the name, address, telephone number, and identification code of the owner for registration in NOAA's database. We invite comment on these proposals and any alternatives thereto.

11. We propose that 406 MHz PLBs be required to comply with the technical standards in the Radio Technical Commission for Maritime (RTCM) Service document RTCM Recommended Standards for 406 MHz Satellite Personal Locator Beacons (PLBs). Accordingly, we propose to incorporate the RTCM technical standards by reference in part 95 of our rules. We seek comment on this proposal. We also seek comment on the following issues:

(a) Are there applicable international requirements not covered in RTCM's technical standards?

(b) Should PLBs capable of operating on 406.025 MHz be certified as meeting COSPASS/SARSAT standards by an independent laboratory as is required for 406.025 MHz EPIRBs or is the Commission's certification process sufficient?

12. The 406 MHz PLB is primarily intended to provide a distress and alerting capacity for use by the general public in life threatening situations in a remote environment after all other means of notifying SAR responders (*e.g.*, telephone, radio) have been exhausted. Accordingly, we have proposed to establish a new Subpart H—Personal Locator Beacons (PLB) under part 95 of the Commission rules to permit the use of 406.025 MHz for personal locator beacons. Further, we have proposed to license individual 406 MHz PLBs by rule and require registration of 406 MHz PLB with NOAA. We believe that these proposals further the public interest because they are aimed at facilitating the use of radio spectrum to increase safety of the general public.

Procedural Matters

13. *Ex Parte Presentations.* This *Notice of Proposed Rule Making* is a permit-but-disclose notice and comment rule making proceeding. *Ex parte* presentations are permitted, provided they are disclosed as provided in Commission rules.

14. *Pleading Dates.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments on or before March 3, 2000, and reply comments on or before March 3, 2000. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See* Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121, May 1, 1998.

15. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. If multiple docket or rulemaking numbers appear in the caption of this proceeding, however, commenters must transmit one electronic copy of the comments to each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, <''get form your e-mail address>.'' A sample form and directions will be sent in reply.

16. Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appear in the captain of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. All filing must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission 445 12th Street, SW., Room TW–B204, Washington, DC 20554.

17. Parties who choose to file the paper should also submit their comments on diskette. These diskettes should be submitted to: Policy and Rules Branch, Public Safety and Private Wireless Division, Wireless Telecommunications Bureau, 445 12th Street, SW., Washington, DC 20554. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using WordPerfect 5.1 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only''

mode. The diskette should be clearly raveled with the commenter's name, proceeding (including the docket number in this case, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase: ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters must send diskette copies to the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20037.

18. *Paperwork Reduction Analysis.* The *Notice of Proposed Rule Making* contains proposed information collections and as part of its continuing effort to reduce paperwork burdens, the Commission invites the general public to take this opportunity to comment on the information collections as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Public and Agency comments on the information collections contained in the *Notice of Proposed Rule Making* are March 27, 2000. These comments should be submitted to Judy Boley, Federal Communications Commission, Room 1C804, 445 12th Street, SW., Washington, D.C. 20554, or via the Internet to jboley@fcc.gov. Furthermore, a copy of any such comments should be submitted to Timothy Fain, OMB Desk Officer, 10236 NEOB, 725 17th Street, NW., Washington, DC 20503 or via the Internet at fain__t@al.eop.gov.

19. As required by the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis of the possible impact on small entities of the proposals suggested in the *Notice of Proposed Rule Making.* Written public comments are requested on the Initial Regulatory Flexibility Analysis. These comments must be filed in accordance with the same filing deadlines as comments on the rest of this Notice but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Office of Public Affairs, Reference Operations Division, will send a copy of this *Notice of Proposed Rule Making,* including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

Initial Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act (RFA), the Commission has prepared this present Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the policies and rules proposed in the present, *Notice of Proposed Rule Making (Notice).* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the *Notice* as provided above in the Procedural Matters section of this *Notice of Proposed Rule Making.* The Commission will send a copy of the *Notice,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration. *See* U.S.C. 603(a). In addition, the *Notice* and IRFA (or summaries thereof) will be published in the **Federal Register**. *See id.*

I. Need for, and Objectives of, the Proposed Rules

1. In the *Notice* herein, we are proposing to authorize the use of the frequency 406.025 MHz for personal locator beacons (PLBs) to provide individuals in remote areas a means to alert others of an emergency situation and help search and rescue personnel locate those in distress.

II. Legal Basis

2. The proposed action is authorized under sections 4(i), and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r).

III. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

3. Under the RFA, small entities may include small organizations, small businesses, and small governmental jurisdictions. 5 U.S.C. 601(6). The RFA, 5 U.S.C. 601(3), generally defines the term ''small business'' as having the same meaning as ''small business concern'' under the Small Business Act, 15 U.S.C. 632. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (''SBA''). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the SBA and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

4. The rules proposed in this *Notice* will affect small businesses that manufacturer, design, import, sell, or use radiobeacon equipment designed for distress alerting and location. PLBs will be used to provide a distress and alerting capacity for use by the general public in a life threatening condition in a remote environment after all other means of notifying search and rescue responders have been used. These beacons will be manufactured, designed, imported and sold by companies of all sizes operating in the U.S. We concluded that these small businesses are classified in Communications Equipment, N.E.C., (Standard Identification Code 3669) as entities employing less than 750 employees as defined in 13 CFR 121.201. The size data provided by the SBA shows that 469 firms out of 498 firms in the Communications Equipment, NEC classification have less than 750 employees but did not enable us to make a meaningful estimate of the number of potential manufacturers which are small businesses. Therefore, in this IRFA, we seek comment on the number of small businesses which could be impacted by the proposed rule changes.

IV. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

5. The *Notice* proposes a number of rules that will entail reporting, recordkeeping, and/or third party consultation. However, the commission believes that these requirements are the minimum needed. The *Notice* ask for comment whether to require mandatory registration of PLB radiobeacons and on alternative licensing methods for PLBs. The licensing methods under consideration in the Notice include the possibility of imposing recordkeeping and reporting requirements on applicants for PLB licenses. These entities will be required to submit applications for spectrum licenses on FCC Form 601.

V. Steps Taken To Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered

6. We have reduced economic burdens wherever possible. This item seeks comment on whether we should license the PLBs directly to each state or in some other manner to meet concerns for controlled use of the radiobeacons, and contains proposals for meeting technical standards. This approach will allow the states to help manage its terrestrial search and rescue resources and assure that these radiobeacons will operate properly thus enhancing protection of life and property.

7. To minimize any negative impact resulting from the implementation of licensing, we have offered the option of

utilizing the existing procedures which is, with prior coordination and mutual agreement, land-based alerts being relayed by the United States Air Force Rescue Coordination Center to a point of contact designated by the state.

8. We seek comments on these tentative conclusions.

VI. Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rules

9. None.

Paperwork Reduction Act Analysis

This *Notice of Proposed Rulemaking* proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collections contained in this *Notice of Proposed Rulemaking* as required by the Paperwork Reduction Act of 1995, Public Law No. 104–13. Public and agency comments are March 27, 2000. Comments should address: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

OMB Approval Number: 3060–XXXX.

Title: 406 MHz Personal Locator Beacons (Proposed WT Docket No. 99–366).

Form No: Not applicable.

type of Review: New collection.

Respondents: State, local or tribal government.

Number of Respondents: 1050.

Estimated time per response: .5 hour.

Total annual burden: 525 hours.

Total annual cost: None.

Needs and Uses: The need for the proposed collection under consideration in the Notice of Proposed Rule Making is to require individuals register data with the National Oceanic and Atmospheric Administration and gather data for licensing entities. The registration information would be made available to search and rescue personnel to assist in locating a lost individual, and the licensing information would be used to determine whether the applicant is legally and technically qualified to be licensed.

Ordering Clauses

20. authority for issuance of this *Notice of Proposed Rulemaking* is contained in sections 4(i), 4(j), 303(r), and 403 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), and 403.

21. Notice is hereby given and comments is sought on the proposed regulatory changes described in the *Notice of Proposed Rulemaking.*

22. It is further ordered that the Commission's Office of Public Affairs, Reference Operations Division, shall send a copy of the *Notice of Proposed Rulemaking*, including the Initial Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects 47 CFR Part 95

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Proposed Rule

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 95 as follows:

PART 95—PERSONAL RADIO SERVICES

1. The authority citation for part 95 continues to read as follows:

Authority: Secs. 4, 303, 48 Stat. 1066, 1082, as amended; 47 U.S.C. 154, 303.

2. Part 95 is amended by adding subpart H to read as follows:

Subpart H—Personal Locator Beacons (PLB)

General Provisions

§ 95.1201 Basis and purpose.

§ 95.1203 Frequency.

§ 95.1205 Special requirements for 406.025 MHz PLBs

Subpart H—Personal Locator Beacons (PLB).

§ 95.1201 Basis and purpose.

The rules in this subpart are intended to provide individuals in remote areas a means to alert others of an emergency situation and to aid search and rescue personnel locate those in distress.

§ 95.1203 Frequency.

The frequency 406.025 MHz is an emergency and distress frequency available for use by Personal Locator Beacons (PLBs). Personal Locator Beacons that transmit on the frequency 406.025 MHz must use G1D emission. Use of this frequency must be limited to transmission of distress and safety communications.

§ 95.1205 Special requirements for 406.025 MHz PLBs.

(a) All 406.025 MHz PLBs must meet all the technical and performance standards contained in the Radio Technical Commission for Maritime (RTCM) Service document ''RTCM Recommended Standards for 406 MHz Satellite Personal Locator Beacons (PLBs), Version 1.0, RTCM Paper 5–97/SC110–STD, dated February 10, 1997. This RTCM document is incorporated by reference in accordance with 5 U.S.C. 552(a), and 1 CFR part 51. Copies of the document are available and may be obtained from the Radio Technical Commission on Aeronautics, One McPherson Square, 1425 K Street NW., Washington, DC 20005. The document is available for inspection at Commission headquarters at 445 12th Street, Washington, DC 20554. Copies may also be inspected at the Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC.

(b) The 406.025 MHz PLB must contain, as an integral part, a homing beacon operating only on 121.500 MHz that meets all the requirements described in the RTCM Recommended Standards document described in paragraph (a) of this section. The 121.500 MHz homing beacon must have a continuous duty cycle that may be interrupted only during the transmission of the 406.025 MHz signal.

(c) Before a 406.025 MHz PLB certification application is submitted to the Commission, the applicant must have obtained certification from a test facility, recognized by one of the COSPAS/SARSAT Partners, that the PLB satisfies the standards contained in the COSPAS/SARSAT document COSPAS/SARSAT 406 MHz Distress Beacon Type Approval Standard (C/S T.007).

(d) The procedures for obtaining a grant of notification of certification from the Commission are contained in subpart J of part 2 of this chapter.

(e) An identification code, issued by the National Oceanic and Atmospheric Administration (NOAA), the United States Program Manager for the 406.025 MHz COSPAS/SARSAT satellite system, must be programmed in each PLB unit to establish a unique identification for each PLB station. With each marketable PLB unit, the manufacturer or grantee must include a postage pre-paid registration card printed with the PLB identification code addressed to: NOAA/NESDIS, SARSAT Operations Division, E/SP3, Federal Building 4, Washington, DC 20233. The registration card must request the owner's name, address, telephone number, alternate emergency contact and include the

following statement: ''WARNING—failure to register this PLB with NOAA could result in a monetary forfeiture order being issued to the owner.''

(f) To enhance protection of life and property it is mandatory that each 406.025 MHz PLB be registered with NOAA and that information be kept up-to-date. In addition to the identification plate or label requirements contained in §§ 2.925 and 2.926 of this chapter, each 406.025 MHz PLB must be provided on the outside with a clearly discernable permanent plate or label containing the following statement: ''The owner of this 406.025 MHz PLB must register the NOAA identification code contained on this label with the National Oceanic and Atmospheric Administration (NOAA) whose address is: NOAA, NOAA/SARSAT Operations Division, E/SP3, Federal Building 4, Washington, DC 20233.'' Owners shall advise NOAA in writing upon change of PLB ownership, or any other change in registration information. NOAA will provide registrants with proof of registration and change of registration postcards.

(g) For 406.025 MHz PLBs with identification codes that can be changed after manufacture, the identification code shown on the plate or label must be easily replaceable using commonly available tools.

[FR Doc. 00–2139 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–M

DEPARTMENT OF DEFENSE

48 CFR Part 30

Changes in Cost of Accounting Practices

AGENCY: Department of Defense (DoD).

ACTION: Notice of public meeting.

SUMMARY: The Office of the Director of Defense Procurement, in conjunction with the National Contract Management Association, is sponsoring additional public meetings to discuss alternatives to the Cost Accounting Standards Board's Supplemental Notice of Proposed Rulemaking (SNPRM–II) regarding ''Changes in Cost Accounting Practices,'' published in the **Federal Register** at 64 FR 45700 on August 20, 1999. The Office of the Director of Defense Procurement would like to hear the views of interested parties on the current version of their recommended alternative to the approach proposed by the Cost Accounting Standards Board in SNPRM–II. The current version is available on the Internet Home Page of the Office of Cost, Pricing, and Finance at http://www.acq.osd.mil/dp/cpf.

The Office of the Director of Defense Procurement is particularly interested in obtaining comments concerning three areas of its recommended alternatives:

1. The definition of ''similar functions'' and ''similar activities.''

2. The proper treatment of pool combinations, pool split-outs, and functional transfers that occur between two viable operating segments or that involve different organizational levels within the company.

3. Whether an exemption is necessary, and if so, the criteria needed to implement such an exemption.

The Office of the Director of Defense Procurement will evaluate the input received and, if determined necessary, provide a revised or amended version of its alternative to the Chairman of the Cost Accounting Standards Board for the Board's consideration.

DATES: The next public meeting will be held on February 10, 2000, from 9 a.m. until 4 p.m. Based on the nature and extent of input received, additional public meetings may be held in the days and weeks following February 10. The dates and times of those meetings will be made available on http://www.acq.mil/dp/cpf, as soon as they are scheduled.

ADDRESSES: The meeting will be held at the National Contract Management Association, 1912 Woodford Drive, Vienna, VA 22182. Directions may be found on the Internet at http://www.acq.osd.mil/dp/cpf.

FOR FURTHER INFORMATION CONTACT: Mr. David Capitano, Office of Cost, Pricing, and Finance, by telephone at (703) 695–7249, by FAX at (703) 693–9616, or by e-mail at capitadj@acq.osd.mil; or Ms. Claudia Low, National Contract Management Association, by telephone at (703) 734–5440.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 00–2241 Filed 2–1–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants, Notice of Reopening of Comment Period on the Proposed Endangered Status of the Cowhead Lake tui chub

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule, notice of reopening of comment period.

SUMMARY: The Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provides notice of the reopening of the comment period for the proposed endangered status for the Cowhead Lake tui chub (*Gila bicolor vaccaceps*). The comment period has been reopened by request from signatories of a conservation agreement for the Cowhead Lake tui chub, including private landowners, the California Department of Fish and Game (CDFG), and the U.S. Department of the Interior, Bureau of Land Management (BLM).

DATES: Comments from all interested parties must be received by February 16, 2000. All comments received by the closing date will be considered in the final decision on this proposal.

ADDRESSES: Written comments, materials, data, and reports concerning this proposal should be sent to the Field Supervisor, Sacramento Fish and Wildlife Office, W 2605, 2800 Cottage Way, Sacramento, California 95825. Comments and materials received will be available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Catherine Hibbard at the address above (telephone 916/414–6600, facsimile 916/414–6710).

SUPPLEMENTARY INFORMATION

Background

The Cowhead Lake tui chub is a fish in the minnow family and can be primarily distinguished from other tui chubs by the number of bony projections in the gills. It is now found only in pump canals in the lakebed of Cowhead Lake and in Cowhead Slough in extreme northeastern Modoc County, California. Prior to hydrological modification of the Cowhead Lake watershed, including drainage of the lake for agricultural purposes, Cowhead Lake is thought to have contained the majority of the Cowhead Lake tui chub population, especially in wet years. The entire population now appears to occur only the 5.4 kilometers (3.4 miles) of Cowhead Slough and pump canals in the bed of Cowhead Lake. Habitat protection is required to conserve this subspecies, which is threatened throughout its range by a variety of impacts including loss of habitat from agricultural activities, risk of disease and contamination, loss of genetic variability, and naturally occurring random events.

On March 30, 1998, the Service published in the **Federal Register** a proposed rule to list the Cowhead Lake tui chub as endangered (63 FR 15152). The original comment period closed on May 29, 1998 but the comment period was reopened at the request of private citizens and organizations (63 FR 33033–33034). The second comment period closed on August 3, 1998 after which the Service, BLM, CDFG, and private landowners in the Cowhead Lake watershed signed a Conservation Agreement (C.A.) for the Cowhead Lake tui chub on October 22, 1999. The actions and goals committed to in the C.A. help to ensure the long-term survival of the subspecies by balancing current practices in the watershed with the long-term needs of the subspecies.

The Conservation Strategy of the C.A. includes two phases. Phase I, expected to be in effect for two years from signing, involves studies of the distribution, abundance, life history and habitat preferences of Cowhead Lake tui chubs and hydrology of the Cowhead Lake watershed. Phase II will build on what has been learned in Phase I to implement specific actions to improve the quality and availability of habitat for the subspecies. Phase II is estimated to be in effect for 10 years and includes monitoring to determine the effectiveness of conservation actions. The Conservation Strategy has an adaptive management approach; conservation actions will be modified when monitoring results indicate that such modification is necessary to conserve the Cowhead Lake tui chub.

The signatories of the C.A. have requested that the Service reopen the public comment period so the Service may also consider the conservation measures of the C.A. when making a final determination on the listing proposal of the Cowhead Lake tui chub. Written comments may be submitted until February 16, 2000 to the Service office in the **ADDRESSES** section.

Author

The primary author of this notice is Catherine Hibbard, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Authority

The authority of this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Elizabeth H. Stevens,

Manager, California/Nevada Operations Office.

[FR Doc. 00–2222 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 011900C]

Fisheries of the Northeastern United States; Deep-sea Red Crab Fishery; Scoping Process

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

ACTION: Notice of intent to prepare an Environmental Impact Statement (EIS) and notice of scoping process; request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare a Fishery Management Plan (FMP) for deep-sea red crab (*Chaceon quinquedens*) and to prepare an EIS, if necessary, to analyze the impacts of any proposed management measures. The FMP would be developed pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Council also formally announces a public process to determine the scope of issues to be addressed in the environmental impact analyses. The purpose of this notification is to alert the interested public of the commencement of the scoping process and to provide for public participation in compliance with environmental documentation requirements.

DATES: The Council will discuss and take scoping comments at public meetings in February 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times. Written scoping comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before 5:00 p.m., local time, February 21, 2000.

ADDRESSES: The Council will discuss and take scoping comments at public meetings in New Hampshire and Massachusetts. See **SUPPLEMENTARY INFORMATION** for specific locations. Written comments and requests for copies of the scoping document and other information should be directed to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, Telephone (978) 465–0492. Comments may also be sent via facsimile (fax) to (978) 465–3116. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Background

The deep-sea red crab (*Chaceon quinquedens*) is a deep-water benthic species that supports a small commercial fishery on the Atlantic coast in southern New England and on the southern slope of Georges Bank. Although not regulated, the commercial fishery appears to be limited to approximately six vessels, with some possible seasonal participation by offshore lobster vessels. There is no FMP for red crab.

Information is scarce for this resource, but recent annual landings appear to be close to estimates of maximum sustainable yield (MSY) (5.5 mil lb (2.5 mil kg)). Current capacity in this fishery is sufficient to harvest or exceed MSY; there is concern about excess harvesting capacity entering this fishery. The Council is considering development of a controlled access system in the red crab fishery to address the principle of matching capacity to sustainable harvest level. The limitation of entry into the fishery may be based on levels of participation or other criteria, such as domestic harvest capacity. The Council will consider other management measures (e.g., minimum size, quotas, trap limits and/or requirements, fishing seasons, etc.) as appropriate.

Scoping Process

All persons affected by or otherwise interested in red crab fishery management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see **ADDRESSES**) or attending one of the scoping meetings. Scope consists of the range of actions, alternatives, and impacts to be considered. Alternatives include preparing an FMP that contains management measures such as the ones previously mentioned in this notice; preparing an FMP that does not contain management measures, but that has a framework procedure for the development of such measures in the future; not preparing an FMP at this time; or other reasonable courses of action. Impacts may be direct, indirect, individual, or cumulative. The scoping process also will identify and eliminate from detailed study issues that are not significant. If, after the scoping process is completed, the Council proceeds with the development of an FMP, the Council will prepare an EIS or Environmental Assessment, as appropriate, depending on the nature of the FMP to be developed. The Council will hold

public hearings to receive comments on the draft FMP and the analysis of its impacts on the human environment.

Public Meeting Schedule

The Council will discuss and take scoping comments at public meetings as follows:

February 11, 2000, 1:00 p.m., Urban Forestry Center, State of New Hampshire Division of Parks and Lands, 45 Elwyn Road, Portsmouth, NH 03801, (603) 431–6774 and

February 14, 2000, 1:00 p.m., Center for Marine Science and Technology (CMAST), University of Massachusetts, 706 South Rodney French Boulevard, New Bedford, MA, (508) 999–8193.

Additional scoping meetings may be scheduled as needed.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

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

Dated: January 27, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–2275 Filed 2–1–00; 8:45 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 65, No. 22
Wednesday, February 2, 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

Agricultural Marketing Service

[No. LS–00–02]

Beef Promotion and Research: Certification and Nomination for the Cattlemen's Beef Promotion and Research Board

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Department of Agriculture's (USDA) Agricultural Marketing Service (AMS) is accepting applications from State cattle producer organizations or associations and general farm organizations, as well as beef importers, who desire to be certified to nominate producers or importers for appointment to vacant positions on the Cattlemen's Beef Promotion and Research Board (Board). Organizations which have not previously been certified that are interested in submitting nominations must complete and submit an official application form to AMS. Previously certified organizations do not need to reapply. Notice is also given that vacancies will occur on the Board and that during a period to be established, nominations will be accepted from eligible organizations and individual importers.

DATES: Applications for certification must be received by close of business March 3, 2000.

ADDRESSES: Certification forms as well as copies of the certification and nomination procedures may be requested from Ralph L. Tapp, Chief; Marketing Programs Branch, LS, AMS, USDA; STOP 0251; 1400 Independence Avenue, SW.; Washington, D.C. 20250–0251.

FOR FURTHER INFORMATION CONTACT: Ralph L. Tapp, Chief, Marketing Programs Branch on 202/720–1115.

SUPPLEMENTARY INFORMATION: The Beef Promotion and Research Act of 1985 (Act)(7 U.S.C. 2901 *et seq.*), enacted December 23, 1985, authorizes the implementation of a Beef Promotion and Research Order (Order). The Order, as published in the July 18, 1986, **Federal Register** (51 FR 26132), provides for the establishment of a Board. The current Board consists of 103 cattle producers and 7 importers appointed by the Secretary. The duties and responsibilities of the Board are specified in the Order.

The Act and the Order provide that the Secretary shall either certify or otherwise determine the eligibility of State or importer organizations or associations to nominate members to the Board to ensure that nominees represent the interests of cattle producers and importers. Nominations for importer representatives may also be made by individuals who import cattle, beef, or beef products. Persons who are individual importers do not need to be certified as eligible to submit nominations. When individual importers submit nominations, they must establish to the satisfaction of the Secretary that they are in fact importers of cattle, beef, or beef products, pursuant to § 1260.143(b)(2) of the Order [7 CFR 1260.143(b)(2)]. Individual importers are encouraged to contact AMS at the above address to obtain further information concerning the nomination process, including the beginning and ending dates of the established nomination period and required nomination forms and background information sheets. Certification and nomination procedures were promulgated in the final rule, published in the April 4, 1986, **Federal Register** (51 FR 11557) and currently appear at 7 CFR § 1260.500 through § 1260.640. Organizations which have previously been certified to nominate members to the Board do not need to reapply for certification to nominate producers and importers for the existing vacancies.

The Act and the Order provide that the members of the Board shall serve for terms of 3 years. The Order also requires USDA to announce when a Board vacancy does or will exist. The following States have one or more members whose terms will expire in early 2001:

State or unit	Number of vacancies	State or unit	Number of vacancies
Arizona	1	North Carolina	1
California	2	Oklahoma	1
Colorado	1	South Carolina	1
Iowa	2	South Dakota	2
Kansas	2	Tennessee	1
Louisiana	1	Texas 4.	
Michigan	1	Utah	1
Minnesota	1	Wisconsin	2
Mississippi	1	Wyoming	1
Missouri	1	Mid-Atlantic Unit	1
Nebraska	2	Northeast Unit	1
Nevada	1	Importer Unit	2
New Mexico	1		

Since there are no anticipated vacancies on the Board for the remaining States' positions, or for the positions of the Northwest unit, nominations will not be solicited from certified organizations or associations in those States or units.

Uncertified eligible producer organizations in all States that are interested in being certified as eligible to nominate cattle producers for appointment to the listed producer positions, must complete and submit an official ''Application for Certification of Organization or Association,'' which must be received by close of business March 3, 2000. Uncertified eligible importer organizations that are interested in being certified as eligible to nominate importers for appointment to the listed importer positions must apply by the same date. Importers should not use the application form but should provide the requested information by letter as provided for in 7 CFR § 1260.540(b). Applications from States or units without vacant positions on the Board and other applications not received within the 30-day period after publication of this Notice in the **Federal Register** will be considered for eligibility to nominate producers or importers for subsequent vacancies on the Board.

Only those organizations or associations which meet the criteria for certification of eligibility promulgated at 7 CFR § 1260.530 are eligible for certification. Those criteria are:

(a) For State organizations or associations:

(1) Total paid membership must be comprised of at least a majority of cattle producers or represent at least a majority of cattle producers in a State or unit,

(2) Membership must represent a substantial number of producers who produce a substantial number of cattle in such State or unit,

(3) There must be a history of stability and permanency, and

(4) There must be a primary or overriding purpose of promoting the economic welfare of cattle producers.

(b) For organizations or associations representing importers, the determination by the Secretary as to the eligibility of importer organizations or associations to nominate members to the Board shall be based on applications containing the following information:

(1) The number and type of members represented (*i.e.*, beef or cattle importers, etc.),

(2) Annual import volume in pounds of beef and beef products and/or the number of head of cattle,

(3) The stability and permanency of the importer organization or association,

(4) The number of years in existence, and

(5) The names of the countries of origin for cattle, beef, or beef products imported.

All certified organizations and associations, including those which were previously certified in the States or units having vacant positions on the Board, will be notified simultaneously in writing of the beginning and ending dates of the established nomination period and will be provided with required nomination forms and background information sheets.

The names of qualified nominees received by the established due date will be submitted to the Secretary of Agriculture for consideration as appointees to the Board.

The information collection requirements referenced in this notice have been previously approved by the Office of Management and Budget (OMB) under the provisions of 44 U.S.C., Chapter 35 and have been assigned OMB No. 0581–0093, except Board member nominee information sheets are assigned OMB No. 0505–0001.

Authority: 7 U.S.C. 2901 *et seq.*

Dated: January 27, 2000.

Barry L. Carpenter,

Deputy Administrator, Livestock and Seed Program.

[FR Doc. 00–2271 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[Docket No. TB–00–03]

National Advisory Committee for Tobacco Inspection Services; Meeting

In accordance with the Federal Advisory Committee Act (5 U.S.C. App.) announcement is made of the following committee meeting:

Name: National Advisory Committee for Tobacco Inspection Services.

Date: February 17, 2000.

Time: 9 a.m.

Place: United States Department of Agriculture (USDA), Agricultural Marketing Service (AMS), Tobacco Programs, Flue-Cured Tobacco Cooperative Stabilization Corporation, Room 223, 1306 Annapolis Drive, Raleigh, North Carolina 27608.

Purpose: To elect officers, review various regulations issued pursuant to the Tobacco Inspection Act (7 U.S.C. 511 *et seq.*), and to discuss the level of tobacco inspection and related services. The Committee will recommend the desired level of services to be provided to producers by AMS and an appropriate fee structure to fund the recommended services for the 2000–2001 selling season.

The meeting is open to the public. Persons, other than members, who wish to address the Committee at the meeting should contact John P. Duncan III, Deputy Administrator, Tobacco Programs, AMS, USDA, Room 502 Annex Building, P.O. Box 96456, Washington, D.C. 20090–6456; (202) 205–0567, prior to the meeting. Written statements may be submitted to the Committee before, at, or after the meeting. If you need any accommodations to participate in the meeting, please contact the Tobacco Programs at (202) 205–0567 by February 8, 2000 and inform us of your needs.

Dated: January 27, 2000.

John P. Duncan III,

Deputy Administrator, Tobacco Programs.

[FR Doc. 00–2272 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Rural Housing Service

Notice of Availability of Funding and Requests for Proposals for Guaranteed Loans Under the Section 538 Guaranteed Rural Rental Housing Program; Correction

AGENCY: Rural Housing Service, USDA.

ACTION: Correction.

SUMMARY: The Rural Housing Service (RHS) corrects a notice published December 21, 1999 (64 FR 71601). This action is taken to correct the closing date of the ''early selection pool'' of $40 million from 4:00 Eastern Standard Time on February 21, 2000 to 4:00 Eastern Standard Time on February 22, 2000. This action is being taken because there will be no mail delivery on February 21, 2000 due to the Federal Holiday.

Accordingly, the notice published December 21, 1999 (64 FR 71601), is corrected as follows:

On page 71601 in the second column, in the first sentence under the heading **DATES,** the text ''4:00 PM Eastern Time on February 21, 2000'' should read ''4:00 PM Eastern Standard Time on February 22, 2000.''

On page 71602 in the second column, Item III., in the first paragraph, the text ''4 p.m. Eastern Standard Time, February 21, 2000'' should read ''4:00 PM Eastern Standard Time on February 22, 2000.''

On page 71602 in the second column, Item III., in the second paragraph, the text ''4:00 PM, Eastern Standard Time on February 21, 2000'' should read ''4:00 PM Eastern Standard Time on February 22, 2000.''

Dated: January 20, 2000.

James C. Kearney,

Administrator, Rural Housing Service.

[FR Doc. 00–2270 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–XV–P

CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

Sunshine Act Meeting; Notice

The United States Chemical Safety and Hazard Investigation Board announces that it will convene a Public Meeting beginning at 10:00 a.m. local time on January 10, 2000 at the Defense Nuclear Facilities Safety Board (3rd floor), 625 Indiana Avenue, NW, Washington, DC. Topics to be discussed at the meeting will include:

1. Resignation of the Board Chairperson.
2. Interim Board Governance.
3. Proposed Federal Regulations regarding CSB Quorum, Voting Procedures and compliance with the Government Under the Sunshine Act.
4. Review and Adoption of CSB Mission Statement.
5. Major CSB Initiatives for remainder of FY 2000.
6. Review and Discussion of FY 2001 Budget Proposal.

The meeting will be open to the public. The Defense Nuclear Facilities Safety Board is a secure federal building requiring photo identification for public admission. For more information, please contact the Chemical Safety and Hazard Investigation Board's Office of External Relations, (202)–261–7600, or visit our website at: *www.csb.gov*.

Christopher W. Warner,

General Counsel.

[FR Doc. 00–2381 Filed 1–31–00; 11:57 am]

BILLING CODE 6350–01–U

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010600B]

Incidental Take of Marine Mammals; Taking of Ringed Seals Incidental to On-ice Seismic Activities

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

ACTION: Notice of issuance of letters of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and with implementing regulations, notification is hereby given that letters of authorization to take ringed and bearded seals incidental to on-ice seismic operations in the Beaufort Sea off Alaska was issued on January 28, 2000, to Western Geophysical and Kuupik/Fairweather Geophysical, both of Anchorage, AK.

DATES: These letters of authorization are effective from January 28, 2000, through May 31, 2000.

ADDRESSES: The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, and Western Alaska Field Office, NMFS, 701 C Street, Anchorage, AK 99513.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, NMFS, (301) 713–2055, ext 128 or Brad Smith, Western Alaska Field Office, NMFS, (907) 271–5006.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region, if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term ''taking'' means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of ringed and bearded seals incidental to on-ice seismic surveys were published on February 2, 1998 (63 FR 5277), and remain in effect until December 31, 2002.

Summary of Request

NMFS received requests for letters of authorization on September 23, and October 14, 1999, from Western Geophysical, and on October 15, 1999 from Kuupik/Fairweather. These letters request a take by harassment of a small number of ringed seals incidental to conducting vibroseis surveys in the Beaufort Sea off Alaska.

Issuance of these letters of authorization are based on findings that the total takings by this activity will have a negligible impact on the ringed seal stocks of the Western Beaufort Sea and that the applicants have met the requirements contained in the implementing regulations, including monitoring and reporting requirements.

Dated: January 28, 2000.

Donald R. Knowles,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 00–2274 Filed 2–1–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 120999G]

National Plan for the Reduction of Incidental Catch of Seabirds in Longline Fisheries

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

ACTION: Notice of extension of public comment period.

SUMMARY: A draft National Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries (NPOA-Seabirds) was released for public comment on December 27, 1999, through a **Federal Register** notice. The public comment period listed in the previous notice expired on January 18, 2000. This notice extends this public comment period to February 7, 2000.

DATES: Written comments to the draft NPOA-Seabirds should be received no later than February 7, 2000.

ADDRESSES: Comments on the NPOA-Seabirds should be sent to David Kerstetter, NOAA - Fisheries/SF4, 1315 East-West Highway, Silver Spring, MD 20910, or by fax to 301–713–2313. Comments will not be accepted via e-mail or internet.

FOR FURTHER INFORMATION CONTACT: David Kerstetter, (301) 713-2276, ext. 107, or fax 301–713–2313.

SUPPLEMENTARY INFORMATION: The United States, through a collaborative effort with the U.S. Fish and Wildlife Service, is developing a NPOA-Seabirds pursuant to the endorsement of the International Plan of Action for the Reduction of Incidental Catch of Seabirds in Longline Fisheries by the Food and Agriculture Organization of

the United Nations Committee on Fisheries (COFI) Meeting in February 1999. The United States has committed itself to completing the NPOA-Seabirds and reporting to COFI no later than 2001.

A previous **Federal Register** notice dated December 29, 1999 (64 FR 73017) provided notice of the availability of a draft NPOA-Seabirds and stated that public comment on this draft would be accepted until January 18, 2000. This notice extends the period of public comment to February 7, 2000.

Dated: January 27, 2000.

Bruce C. Morehead,

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

[FR Doc. 00–2194 Filed 2–1–00; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Technology Administration

National Medal of Technology Nomination Evaluation Committee (NMTNEC)

AGENCY: Technology Administration, Department of Commerce.

ACTION: Notice of Recruitment for Additional Members for NMTNEC.

SUMMARY: The Department of Commerce, Technology Administration (TA), requests nominations of individuals for appointment to the National Medal of Technology Nomination Evaluation Committee (NMTNEC). The Committee provides advice to the Secretary on the implementation of Public Law 96–480 (15 U.S.C. 3711) under the Federal Advisory Committee Act, 5 U.S.C. app. 2. Public Law 105-309; 15 U.S.C. 3711, Section 10, approved by the 105th Congress in 1998, added the National Technology Medal for Environmental Technology. The terms of several current members have expired and the period of nominations will identify their replacement.

DATES: Please submit nominations on or before February 17, 2000.

ADDRESSES: Submit nominations to the National Medal of Technology Program Office, Technology Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Room 4226, Washington, DC 20230. Materials may be faxed to 202–501–8153.

FOR FURTHER INFORMATION CONTACT: Stanley Dapkunas, Acting Director, 202–482–5572.

SUPPLEMENTARY INFORMATION: The National Medal of Technology was rechartered on December 8, 1999 for a period of two years to provide advice to the Secretary on the implementation of Public Law 96–480 (15 U.S.C. 3711) under the Federal Advisory Committee Act, 5 U.S.C. app. 2. The National Medal of Technology Nomination Evaluation Committee (NMTNEC) serves as an advisory body to the Under Secretary of Technology in his capacity as Chair of the Steering committee, which reports directory to the Secretary of Commerce. Members are responsible for reviewing nominations and making recommendations for the nation's highest honor for technological innovation, awarded annually by the President of the United States. Members of the NMTNEC have an understanding of, and experience in, developing and utilizing technological innovation and/or they are familiar with the education, training, employment and management of technological human resources.

Under the Federal Advisory Committee Act, membership in a committee constituted under the Act must be balanced. To achieve balance, the Department is seeking additional nominations of candidates from small, medium-sized, and large businesses or with special expertise in the following subsectors of the technology enterprise;

(1) Infrastructure & Transportation/Telecommunications;

(2) Biomedical/Pharmaceutical/Health;

(3) Human Resources/Education; and

(4) Other (including manufacturing, process, environmental technology, transportation).

Typically, committee members are present or former Chief Executive Officers or other senior leaders of corporations; presidents or distinguished faculty of universities; or senior executives of non-profit organizations. They offer stature by virtue of their positions and also possess first-hand knowledge of the forces driving future directions for their industries or fields of expertise. The Committee as a whole is balanced in representing geographical, professional, and diversity interests. Nominees must be U.S. citizens, must be able to fully participate in meetings pertaining to the review and selection of finalists for the National Medal of Technology, and must uphold the confidential nature of an independent peer review and competitive selection process.

The Department of Commerce is committed to equal opportunity in the workplace and seeks a broad-based and diverse NMTNEC membership.

Dated: January 27, 2000.

Gary Bachula,

Acting Under Secretary of Commerce for Technology.

[FR Doc. 00–2127 Filed 2–1–00; 8:45 am]

BILLING CODE 3510–18–M

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

AGENCY: U.S. Consumer Product Safety Commission.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 65, No. 13, Thursday, January 20, 2000, page 3208.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m., Wednesday, January, 26, 2000.

CHANGES IN MEETING: The closed Commission briefing on the Compliance Status Report was not held due to the agency closing because of a weather emergency. The meeting has been rescheduled for Thursday, February 3, 2000 at 10:00 a.m.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207, (301) 504–0800.

Dated: January 31, 2000.

Sadye E. Dunn,

Secretary.

[FR Doc. 00–2437 Filed 1–31–00; 3:03 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Conference Meeting of the Overseas Dependents' Schools National Advisory Panel (NAP) on the Education of Dependents with Disabilities

AGENCY: Department of Defense Education Activity.

ACTION: Notice.

SUMMARY: Pursuant to Public Law 92–463, notice is hereby given that a meeting of the NAP is scheduled to be held April 18–20, 2000, from 8 am to 4 pm. The meeting will be open to the public and will be held at the Department of Defense Education Activity, 4040 North Fairfax Drive, Room 904, Arlington, Virginia 22203–1635. The purposes of the meeting are to: (1) Review the proposed revision of Department of Defense Instruction

1342.12, ''Provision of Early Intervention and Special Education Services to Eligible DoD Dependents in Overseas Areas, dated March 13, 1996; (2) review activities and plans for the Comprehensive System of Personnel Development that encompasses activities that build the skills of personnel who work with children with special needs and their families; and (3) review the summer 1999, Austim Summit Report. Persons desiring to attend the meeting, to make oral presentations, or to submit written statements for consideration by the panel must contact Ms. Diana Patton by April 1 at (703) 696–4492, extension 1947, or at her email address, dpatton@hq.odedodea.edu.

January 25, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, DoD.

[FR Doc. 00–2158 Filed 2–1–00;8:45am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to add a system of records.

SUMMARY: The Office of the Secretary proposes to add a system of records notice to its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The addition consolidates two existing systems of records (DHA 01, Medical Malpractice Claims Data File and DHA 02, Adverse Clinical Privilege Actions Data File) in to DHA 09, Medical Credentials/Risk Management Analysis System (CCQAS).

DATES: This proposed action will be effective without further notice on March 3, 2000, unless comments are received which result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Section, Directives and Records Division, Washington Headquarter Services, Correspondence and Directives, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 588–0159.

SUPPLEMENTARY INFORMATION: The Office of the Secretary systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on January 5, 2000, to the House Committee on Government Reform and Oversight, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: January 27, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DELETIONS
DHA 01

SYSTEM NAME:

Medical Malpractice Claims Data File *(February 22, 1993, 58 FR 10227).*

Reason: The records contained in this notice have moved to DHA 09, Medical Credentials/Risk Management Analysis System (CCQAS).

DHA 02

SYSTEM NAME:

Adverse Clinical Privilege Actions Data File *(February 22, 1993, 58 FR 10227).*

Reason: The records contained in this notice have moved to DHA 09, Medical Credentials/Risk Management Analysis System (CCQAS).

ADDITION
DHA 09

SYSTEM NAME:

Medical Credentials/Risk Management Analysis System (CCQAS).

SYSTEM LOCATION:

Armed Forces Institute of Pathology, Department of Legal Medicine, 8403 Colesville Road, Suite 860, Silver Spring, MD 20910–9813.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The credentials and privileges component of the Centralized Credentials Quality Assurance System (CCQAS) includes all DoD Medical Treatment Facility (MTF) health care providers. The medical malpractice risk management component includes those health care providers who have been involved with medical malpractice cases. The adverse privilege actions component includes DoD health care providers who have been the subject of adverse privilege actions with the military health system. Health care beneficiaries whose medical treatment is the basis for medical malpractice or adverse privileging action.

CATEGORIES OF RECORDS IN THE SYSTEM:

The credentials and privileges component of CCQAS consists of personal identifier information of all DoD health care providers. Additional provider information includes demographic data, licensure data, education and graduate medical education information, specialty information, certification information and medical readiness data. The malpractice component relates to medical malpractice claims recorded against the Department of Defense. Record fields consist of provider information, allegation-related information, diagnosis and procedure information, dates of incident, filing and closure, injury information, Social Security Numbers of military sponsors of malpractice claimants, and professional review assessments. Adverse privilege action fields include provider information, the type of reasons for actions, and relevant dates. Subject records are 'medical quality assurance records' if produced or compiled by the Department of Defense incident to an activity to assess the quality of medical care, including activities conducted by individuals, military medical or dental treatment facility committees, or other review bodies responsible for greatly assurance, credentials, infection control, patient care assessment (including treatment procedures, blood, drugs, and therapeutics), medical records, health resources management review and identification and prevention of medical or dental incidents and risks.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 11131–11152 (Pub.L. 99–660, Health Care Quality Improvement Act of 1986); 10 U.S.C. 1102; DoD Directive 6025.14, DoD Participation in the National Practitioner Data Bank; and E.O. 9397 (SSN).

PURPOSE(S):

The system collects and manages malpractice and adverse privilege actions claims data provided by the military services.

Data are also used to manage credentials and privileges of health care providers in the Military Health System, and to conduct trend analysis on provider and malpractice data in keeping with DoD Medical Quality Assurance programs. Data from this system is use to report DoD adverse

privileging actions and malpractice data to the National Practitioner Data Bank and to the state licensing boards of the individual provider.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To the Department of Health and Human Services for inclusion in the National Practitioner Data Bank and to state licensing authorities for the purpose of reporting DoD adverse privileging actions and malpractice data as provided in 42 U.S.C. 11131–11152.

If the records are 'medical quality assurance records,' they may be disclosed outside the DoD as a routine use only as follows:

To a Federal executive agency or private organization, if such medical quality assurance record or testimony is needed by such agency or organization to perform licensing or accreditation functions related to DoD health care facilities or to perform monitoring, required by law, of DoD health care facilities.

To an administrative or judicial proceeding commenced by a present or former DoD health care provider, concerning the termination, suspension, or limitation of clinical privileges of such health care provider.

To a governmental board or agency or to a professional health care society or organization, if such medical quality assurance record or testimony is needed by such board, agency, society, or organization to perform licensing, credentialing, or the monitoring of professional standards with respect to any health care provider who is or was a member or an employee of the DoD.

To a hospital, medical center, or other institution that provides health care services, if such medical quality assurance record or testimony is needed by such institution to assess the professional qualifications of any health care provider who is or was a member or employee of the DoD and who has applied for or been granted authority or employment to provide health care services in or on behalf of such institution.

To a criminal or civil law enforcement agency or instrumentality charged under applicable law with the protection of the public health or safety, if a qualified representative of such agency or instrumentality requests that such record or testimony be provided for a purpose authorized by law.

To officials of an administrative or judicial proceeding commenced by a criminal or civil law enforcement agency or instrumentality to serve the defined purposes proposed for that proceeding.

The 'Blanket Routine Uses' set forth at the beginning of OSD's compilation of systems of records notices do not apply to medical quality assurance records maintained in this system of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are maintained on paper and on a microcomputer system.

RETRIEVABILITY:

Hard copy is filed by the sponsor's Social Security Number. Electronic records may be accessed by search of the Social Security Number of the health care provider or in the case of a patient, by the Social Security Number of the military sponsor.

SAFEGUARDS:

Records are accessed by authorized personnel having an official need-to-know who have been trained for handling Privacy Act data. Hard copy records are maintained in locked cabinets in restricted access areas. Access to computer files is restricted to a user IDs and password system managed by the CCQAS system administrator.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

TRICARE Management Activity, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the TRICARE Management Activity, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

Requests for information should contain the full name of the health care provider or military sponsor, the requesting individual's Social Security Number (or Social Security Number of a military sponsor, if inquiry is by a claimant), military department and medical facility and signature of the requester, and the time frame in which the case record was developed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the TRICARE Management Activity, Skyline 5, Suite 810, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

Requests for access should contain the full name of the health care provider or military sponsor, the requesting individual's Social Security Number (or Social Security number of a military sponsor, if inquiry is by a claimant), military department and medical facility and signature of the requester, and the time frame in which the case record was developed.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Medical facilities of the military departments, the National Practitioner Data Bank, and other health care practitioners.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 00–2159 Filed 2–1–00; 8:45 am]

BILLING CODE 5001–10–F

DEPARTMENT OF DEFENSE

Suspension of the Price Evaluation Adjustment for Small Disadvantaged Businesses

AGENCY: Department of Defense.

ACTION: Notice of 1-year suspension of the price evaluation adjustment for small disadvantaged businesses.

SUMMARY: The Acting Director of Defense Procurement has suspended the use of the price evaluation adjustment for small disadvantaged businesses (SDBs) in DoD procurements as required by 10 U.S.C. 232(e)(3), as amended by Section 801 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, because DoD exceeded its 5 percent contract goal for awards to SDBs in fiscal year 1999. The suspension will be in effect for 1 year and will be reevaluated based on the level of DoD contract awards to SDBs achieved in fiscal year 2000.

DATE: *Effective Date:* February 24, 2000.

Applicability Date:: This suspension applies to all solicitations issued during the period from February 24, 2000, to February 23, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, PDUSD (AT&L) DP (DAR), Defense Acquisition Regulations Council, 3062 Defense Pentagon, Washington, DC 20301–3062, telephone (703) 602–0326.

SUPPLEMENTARY INFORMATION: Pursuant to the authority granted to 10 U.S.C. 2323(e), DoD has previously granted SDBs a 10 percent price preference in certain acquisitions. This price preference is implemented in Subpart 19.11 of the Federal Acquisition Regulation. Section 801 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 2000 (Public Law 105–261) amended 10 U.S.C. 2323(e)(3) to prohibit DoD from granting such a price preference for a 1-year period following a fiscal year in which DoD achieved the 5 percent goal for contract awards established in 10 U.S.C. 2323(a). Since, in fiscal year 1999, DoD exceeded this 5 percent goal, use of this price preference in DoD acquisitions must be suspended for a 1-year period, from February 24, 2000, to February 23, 2000. A similar suspension was required for the period from February 24, 1999, to February 23, 2000 (64 FR 4847, February 1, 1999).

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 00–2240 Filed 2–1–00; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Revised Non-Foreign Overseas Per Diem Rates

AGENCY: DoD, Per Diem, Travel and Transportation Allowance Committee.

ACTION: Notice of Revised Non-Foreign Overseas Per Diem Rates.

SUMMARY: The Per Diem, Travel and Transportation Allowance Committee is publishing Civilian Personnel Per Diem Bulletin Number 213. This bulletin lists revisions in the per diem rates prescribed for U.S. Government employees for official travel in Alaska, Hawaii, Puerto Rico, the Northern Mariana Islands and Possessions of the United States. AEA changes announced in Bulletin Number 194 remain in effect. Bulletin Number 213 is being published in the **Federal Register** to assure that travelers are paid per diem at the most current rates.

EFFECTIVE DATE: February 1, 2000.

SUPPLEMENTARY INFORMATION: This document gives notice of revisions in per diem rates prescribed by the Per Diem Travel and Transportation Allowance Committee for non-foreign areas outside the continental United States. It supersedes Civilian Personnel Per Diem Bulletin Number 212. Distribution of Civilian Personnel Per Diem Bulletins by mail was discontinued. Per Diem Bulletins published periodically in the **Federal Register** now constitute the only notification of revisions in per diem rates to agencies and establishments outside the Department of Defense. For more information or questions about per diem rates, please contact your local travel office. The text of the Bulletin follows:

BILLING CODE 5001–01–M

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
THE ONLY CHANGE IN CIVILIAN BULLETIN 213 UPDATES RATES FOR MIDWAY ISLANDS.				
ALASKA				
ANCHORAGE [INCL NAV RES]				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
BARROW	115	73	188	03/01/1999
BETHEL	92	65	157	01/01/2000
CLEAR AB	80	54	134	01/01/2000
COLD BAY	140	73	213	01/01/2000
COLDFOOT	135	71	206	10/01/1999
CORDOVA	85	62	147	03/01/1998
CRAIG				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
DEADHORSE	80	67	147	03/01/1999
DENALI NATIONAL PARK				
06/01 - 08/31	125	56	181	01/01/2000
09/01 - 05/31	90	53	143	01/01/2000
DILLINGHAM	100	58	158	01/01/2000
DUTCH HARBOR-UNALASKA	110	71	181	03/01/1999
EARECKSON AIR STATION	80	54	134	01/01/2000
EIELSON AFB				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
ELMENDORF AFB				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
FAIRBANKS				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
FT. RICHARDSON				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
FT. WAINWRIGHT				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
GLENNALLEN	94	54	148	01/01/2000
HEALY				
06/01 - 08/31	125	56	181	01/01/2000
09/01 - 05/31	90	53	143	01/01/2000
HOMER				
05/15 - 09/15	109	61	170	01/01/2000
09/16 - 05/14	76	58	134	01/01/2000
JUNEAU	95	66	161	01/01/2000
KAKTOVIK	165	75	240	01/01/2000
KAVIK CAMP	125	69	194	03/01/1999
KENAI-SOLDOTNA				
04/01 - 10/31	104	65	169	01/01/2000
11/01 - 03/31	67	61	128	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
KENNICOTT	149	68	217	10/01/1998
KETCHIKAN				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
KING SALMON				
05/01 - 10/01	160	88	248	01/01/2000
10/02 - 04/30	100	82	182	01/01/2000
KLAWOCK				
05/01 - 08/31	95	66	161	10/01/1998
09/01 - 04/30	79	64	143	10/01/1998
KODIAK	90	68	158	01/01/2000
KOTZEBUE				
05/01 - 08/31	137	63	200	01/01/2000
09/01 - 04/30	95	54	149	01/01/2000
KULIS AGS				
05/01 - 09/15	161	68	229	01/01/2000
09/16 - 04/30	80	60	140	01/01/2000
MCCARTHY	149	68	217	10/01/1998
METLAKATLA				
05/30 - 10/01	85	52	137	03/01/1999
10/02 - 05/29	78	51	129	03/01/1999
MURPHY DOME				
05/01 - 09/15	149	62	211	01/01/2000
09/16 - 04/30	75	55	130	01/01/2000
NOME	85	58	143	01/01/2000
NUIQSUT	120	47	167	01/01/2000
PETERSBURG	87	57	144	03/01/1999
POINT HOPE	130	70	200	03/01/1999
POINT LAY	105	67	172	03/01/1999
PRUDHOE BAY	80	67	147	03/01/1999
SEWARD				
05/01 - 09/30	122	65	187	03/01/1999
10/01 - 04/30	86	61	147	03/01/1999
SITKA-MT. EDGECOMBE				
05/16 - 09/16	139	73	212	01/01/2000
09/17 - 05/15	129	72	201	01/01/2000
SKAGWAY				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000
SPRUCE CAPE	90	68	158	01/01/2000
TANANA	85	58	143	01/01/2000
UMIAT	107	33	140	03/01/1999
VALDEZ				
05/01 - 10/01	117	68	185	01/01/2000
10/02 - 04/30	99	66	165	01/01/2000
WAINWRIGHT	111	81	192	01/01/2000
WASILLA	95	60	155	01/01/2000
WRANGELL				
04/01 - 10/15	104	71	175	01/01/2000
10/16 - 03/31	80	69	149	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
YAKUTAT	110	68	178	03/01/1999
[OTHER]	80	54	134	01/01/2000
AMERICAN SAMOA				
AMERICAN SAMOA	73	53	126	03/01/1997
GUAM				
GUAM (INCL ALL MIL INSTAL)	135	79	214	01/01/2000
HAWAII				
CAMP H M SMITH	99	61	160	01/01/2000
EASTPAC NAVAL COMP TELE AREA	99	61	160	01/01/2000
FT. DERUSSEY	99	61	160	01/01/2000
FT. SHAFTER	99	61	160	01/01/2000
HICKAM AFB	99	61	160	01/01/2000
HONOLULU (INCL NAV & MC RES CTR)	99	61	160	01/01/2000
ISLE OF HAWAII: HILO	71	50	121	01/01/2000
ISLE OF HAWAII: OTHER	89	50	139	01/01/2000
ISLE OF KAUAI				
05/01 - 11/30	103	58	161	01/01/2000
12/01 - 04/30	131	61	192	01/01/2000
ISLE OF KURE	65	41	106	05/01/1999
ISLE OF MAUI	100	64	164	01/01/2000
ISLE OF OAHU	99	61	160	01/01/2000
KANEOHE BAY MC BASE	99	61	160	01/01/2000
KEKAHA PACIFIC MISSILE RANGE FAC				
05/01 - 11/30	103	58	161	01/01/2000
12/01 - 04/30	131	61	192	01/01/2000
KILAUEA MILITARY CAMP	71	50	121	01/01/2000
LUALUALEI NAVAL MAGAZINE	99	61	160	01/01/2000
NAS BARBERS POINT	99	61	160	01/01/2000
PEARL HARBOR [INCL ALL MILITARY]	99	61	160	01/01/2000
SCHOFIELD BARRACKS	99	61	160	01/01/2000
WHEELER ARMY AIRFIELD	99	61	160	01/01/2000
[OTHER]	72	61	133	01/01/2000
JOHNSTON ATOLL				
JOHNSTON ATOLL	13	9	22	10/01/1998
MIDWAY ISLANDS				
MIDWAY ISLANDS [INCL ALL MILITAR	150	47	197	02/01/2000
NORTHERN MARIANA ISLANDS				
ROTA	88	69	157	01/01/2000
SAIPAN	140	87	227	01/01/2000
[OTHER]	55	62	117	01/01/2000
PUERTO RICO				
BAYAMON				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
CAROLINA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
FAJARDO [INCL CEIBA & LUQUILLO]	82	54	136	01/01/2000
FT. BUCHANAN [INCL GSA SVC CTR,				
04/11 - 12/23	155	71	226	01/01/2000

Maximum Per Diem Rates for official travel in Alaska, Hawaii, the Commonwealths of Puerto Rico and the Northern Mariana Islands and Possessions of the United States by Federal Government civilian employees.

LOCALITY	MAXIMUM LODGING AMOUNT (A) +	M&IE RATE (B) =	MAXIMUM PER DIEM RATE (C)	EFFECTIVE DATE
12/24 - 04/10	195	75	270	01/01/2000
HUMACAO	82	54	136	01/01/2000
LUIS MUNOZ MARIN IAP AGS				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
MAYAGUEZ	85	59	144	01/01/2000
PONCE	96	69	165	01/01/2000
ROOSEVELT RDS & NAV STA	82	54	136	01/01/2000
SABANA SECA [INCL ALL MILITARY]				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
SAN JUAN & NAV RES STA				
04/11 - 12/23	155	71	226	01/01/2000
12/24 - 04/10	195	75	270	01/01/2000
[OTHER]	62	57	119	01/01/2000
VIRGIN ISLANDS (U.S.)				
ST. CROIX				
04/15 - 12/14	93	72	165	01/01/2000
12/15 - 04/14	129	76	205	01/01/2000
ST. JOHN				
04/15 - 12/14	219	84	303	01/01/2000
12/15 - 04/14	382	100	482	01/01/2000
ST. THOMAS				
04/15 - 12/14	163	73	236	01/01/2000
12/15 - 04/14	288	86	374	01/01/2000
WAKE ISLAND				
WAKE ISLAND	60	32	92	09/01/1998

Dated: January 27, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 00–2157 Filed 2–1–00; 8:45 am]

BILLING CODE 5001–01–M

DEPARTMENT OF ENERGY

[Docket No. EA–158–A]

Applications To Export Electric Energy; Williams Energy Marketing and Trading Company

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of Application.

SUMMARY: Williams Energy Marketing and Trading Company (Williams), formerly Willliams Energy Service Company, 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 March 3, 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: Xavier Puslowski (Program Office) 202–586–4708 or Michael Skinker (Program Attorney) 202–586–2793.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On October 1, 1997, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA–158 authorizing Williams to transmit electric energy from the United States to Canada as a power marketer using the international electric transmission facilities of Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities Company, Detroit Edison Company, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Maine Electric Power Company, Maine Public Service Company, Minnesota Power & Light Company, Minnkota Power Cooperative, New York Power Authority, Niagara Mohawk Power Corporation, Northern States Power Company, and Vermont Electric Transmission Company. That two-year authorization expired on October 1, 1999.

On January 10, 2000, Williams filed an application with FE for renewal of its two-year authorization to export electricity to Canada and requested that the international transmission facilities of Long Sault, Inc. be added to the list of authorized export points.

Williams, a Delaware corporation with its principal place of business in Tulsa, Oklahoma, is a power marketer and does not own or control any facilities for the transmission or distribution of electricity, nor does it have a franchised service area. However, Williams is affiliated with entities that do own power generation facilities. Williams proposes to transmit to Canada electric energy purchased from electric utilities and other suppliers within the U.S.

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 Williams application to export electric energy to Canada should be clearly marked with Docket EA–158–A. Additional copies are to be filed directly with Charlene K. Stanford, Regulatory Analyst, Williams Energy Marketing & Trading Company, P.O. Box 2848, Tulsa, OK 74101, *AND* Hillary E. Cinocca, Esq., The Williams Companies, Inc., One Williams Center, Suite 4100, Tulsa, OK 74172.

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 EA–158. 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–158 proceeding.

Copies of these applications 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'', then ''Electricity'', then ''Pending Proceedings'' from the options menus.

Issued in Washington, DC on January 24, 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– 2277 Filed 2–1–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. FE C&E 00–01; Certification Notice—183]

Office of Fossil Energy; Notice of Filing of Coal Capability of Southaven Power, LLC Powerplant and Industrial Fuel Use Act

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of filing.

SUMMARY: On January 10, 2000, Southaven Power, LLC submitted a coal capability self-certification pursuant to section 201 of the Powerplant and Industrial Fuel Use Act of 1978, as amended.

ADDRESSES: Copies of self-certification filings are available for public inspection, upon request, in the Office of Coal & Power Im/Ex, Fossil Energy, Room 4G–039, FE–27, Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585.

FOR FURTHER INFORMATION CONTACT: Ellen Russell at (202) 586–9624.

SUPPLEMENTARY INFORMATION: Title II of the Powerplant and Industrial Fuel Use Act of 1978 (FUA), as amended (42 U.S.C. 8301 et seq.), provides that no new baseload electric powerplant may be constructed or operated without the capability to use coal or another alternate fuel as a primary energy source. In order to meet the requirement of coal capability, the owner or operator of such facilities proposing to use natural gas or petroleum as its primary energy source shall certify, pursuant to FUA section 201(d), to the Secretary of Energy prior to construction, or prior to operation as a base load powerplant, that such powerplant has the capability to use coal or another alternate fuel. Such certification establishes compliance with section 201(a) as of the date filed with the Department of Energy. The Secretary is required to publish a notice in the **Federal Register** that a certification has been filed. The following owner/operator of the proposed new baseload powerplant has filed a self-certification in acccordance with section 201(d).

Owner: Southaven Power, LLC.

Operator: Indirect subsidiary of Cogentrix Energy, Inc.
Location: Southaven, MS.
Plant Configuration: Combined-cycle.
Capacity: 800 MW.
Fuel: Natural gas.
Purchasing Entities: A power marketer.
In-Service Date: June 1, 2002.

Issued in Washington, D.C., January 24, 2000.

Anthony J. Como,

Deputy Director, Electric Power Regulation, Office of Coal and Power Im/Ex, Office of Coal and Power Systems, Office of Fossil Energy.

[FR Doc. 00–2278 Filed 2–1–00; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP95-408-035]

Columbia Gas Transmission Corp.; Notice of Report

January 27, 2000.

Take notice that on January 20, 2000, Columbia Gas Transmission Corporation (Columbia) tendered for filing a report on the flow back to customers on December 10, 1999, of $217,602 representing the time value of money associated with the deferred taxes applicable to the Kanawha Separation Plant sold to Columbia Natural Resources, Inc. pursuant to Stipulation II, Article III, Section G(2) of Columbia's approved settlement in Docket No. RP95–408, *et al.* Columbia credited its customers' invoices issued on December 10, 1999.

Columbia states that a copy of this report is being provided to all recipients of a share of the flowback and all state commissions whose jurisdiction includes the location of any such recipient.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of The Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–2192 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–163–001]

Kern River Gas Transmission Company; Notice of Compliance Filing

January 27, 2000.

Take notice that on January 20, 2000, Kern River Gas Transmission Company (Kern River) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to be effective January 13, 2000.

Tenth Revised Sheet No. 500–A
Tenth Revised Sheet No. 600–A
Tenth Revised Sheet No. 700–A
Ninth Revised Sheet No. 891

Kern River states that the purpose of this filing is to submit corrected tariff sheets in compliance with the Commission's Letter Order issued January 19, 2000.

Kern River states that it has served a copy of this filing upon its customers and interested state regulatory commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202-208-2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–2186 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–43–001]

Tuscarora Gas Transmission Company; Notice of Compliance Filing

January 27, 2000.

Take notice that on January 18, 2000, Tuscarora Gas Transmission Company (Tuscarora) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets effective February 17, 2000:

Third Revised Sheet No. 37B
Original Sheet No. 37C
First Revised Sheet No. 47

Tuscarora asserts that the purpose of this filing is to comply with the Commission's November 22, 1999 Order, in Docket No. RP00–43–000. Specifically, the November 22 Order requires that Tuscarora submit revised tariff sheets reflecting its proposal to net imbalances and calculate shipper imbalances. Tuscarora stated that copies of this filing were mailed to customers of Tuscarora and interested state regulatory agencies and all parties to Docket No. RP00–43–000.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–2239 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–128–001]

Williams Gas Pipelines Central, Inc.; Notice of Proposed Changes in FERC Gas Tariff

January 27, 2000.

Take notice that on January 18, 2000, Williams Gas Pipelines Central, Inc. (Williams), tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, Substitute Second Revised Sheet No. 6B, with the proposed effective date of January 1, 2000.

Williams states that on December 1, 1999, it made a filing pursuant to Article 13 of the General Terms and Conditions of its FERC Gas Tariff to reflect revised fuel and loss reimbursement percentages for the production and market areas and for storage. By order issued December 28, 1999 (order), the Commission accepted the filing to be effective January 1, 2000, subject to Williams filing within 20 days of the order, a revised tariff sheet and workpapers listing the revised fuel and loss reimbursement percentage for the production area that reflects the removal of the out-of-period adjustment of 219,080 Dth for fuel retained. This filing is being made to comply with the order. Williams reserves the right to modify this filing should the Commission modify its December 28, 1999 order.

Williams states that a copy of its filing was served on all participants listed on the service list maintained by the Commission in the docket referenced above and on all of Williams' jurisdictional customers and interested state commissions.

Any person desiring to protest this filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed as provided in Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–2185 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11512-000 Oregon]

John Bigelow; Notice of Availability of Final Environmental Assessment

January 27, 2000.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 FR 47897), the Office of Hydropower Licensing has reviewed the application for a new license for the existing McKenzie Hydroelectric Project. The project is located on the McKenzie River, in Lane County, Oregon.

On July 10, 1998, the Commission staff issued a draft environmental assessment (DEA) for the project and requested that comments be filed with the Commission within 45 days. Comments on the DEA were filed by two entities and are addressed in the final environmental assessment (FEA) for the project.

The FEA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the FEA are available for review in the Public Reference Room, Room 2A, of the Commission's offices at 888 First Street NE, Washington, DC 20426. This filing may also be viewed on the web at http://www.ferc.fed.us/online/rims.htm (please call (202) 208–2222 for assistance).

David P. Boergers,

Secretary.

[FR Doc. 00–2190 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–284–000]

Koch Gateway Pipeline Company; Notice of Availability of the Environmental Assessment for the Proposed Index 1 Pipeline and Laterals Abandonment Project

January 27, 2000.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared an environmental assessment (EA) on the abandonment of the natural gas pipeline facilities proposed by Koch Gateway Pipeline Company (Koch) in the above-referenced docket.

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.

The EA assesses the potential environmental effects of the proposed abandonment of the pipelines and appurtenant facilities including:

- Abandon in place about 72.4 miles of 10-, 16-, 18-, and 20-inch-diameter Index 1 Pipeline in Kaufman, Dallas, and Tarrant Counties, Texas;
- Abandon in place the following lateral pipeline totaling about 29.2 miles in Dallas and Tarrant Counties, Texas:
- 7.3 miles of 12-inch-diameter Index 1–31 pipeline;
- 0.9 mile of 18-inch-diameter Index 1–37 pipeline;
- 5.6 miles of 20-inch-diameter Index 1–37 pipeline;
- 10.6 miles of 16-inch-diameter Index 4 pipeline;
- 4.7 miles of 20-inch-diameter Index 6 pipeline; and
- 0.1 mile of 4-inch-diameter Index 808 pipeline.
- Construct and operate 39 ''pig'' launching and receiving facilities to clean out the pipelines proposed for abandonment; and
- Abandon by removal appurtenant facilities consisting of 6 meter stations, 39 blow-off assemblies, 12 by-pass valves, 15 block valves, 8 tap valves, 40 segments of pipeline of various diameters totaling about 429 feet, about 1,690 feet of pipeline of various diameters at four waterbody crossings, 1,648 feet of exposed pipeline, 62 farm taps, 5 industrial taps, and certain other minor facilities.

Koch seeks authority to abandon these facilities due to rising operating and

maintenance costs, the number of encroachments, and increasing number of requests to relocate portions of the pipeline.

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, N.E., 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: 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. CP99–284–000; and
- Mail your comments so that they will be received in Washington, DC on or before February 26, 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).

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You don't 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.

David P. Boergers,

Secretary.

[FR Doc. 00–2187 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

January 27, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* New Major License.

b. *Project No.:* 2566–010.

c. *Date filed:* March 30, 1999.

d. *Applicant:* Consumers Energy Company.

e. *Name of Project:* Webber Hydroelectric Project.

f. *Location:* On the Grand River, in Lyons and Portland Townships, near the City of Portland, Ionia County, Michigan. The project would not utilize federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. §§ 791(a)–825(r).

h. *Applicant Contact:* David Battige, Consumers Energy Company, Hydro Operations, 330 Chestnut Street, Cadillac, MI 49601, (616) 779–5506.

i. *FERC Contact:* Tom Dean, *thomas.dean@ferc.fed.us.* (202) 219–2778.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Status of environmental analysis:* This application has been accepted for filing is now ready for environmental analysis.

l. *Description of the Project:* The project consists of the following existing facilities: (1) a 32-foot-high, 1,200-foot-long dam comprising: (a) a 157-foot-long concrete powerhouse section, (b) a 313-foot-long concrete spillway with 10 Taintor gates and one hydraulic flap gate, and (c) two earth embankment sections having a combined total length of 730 feet; (2) a 7-mile-long reservoir having a 660-acre surface area at a normal pool elevation of 684.4 feet USGS; (3) a powerhouse containing two generating units with a total installed capacity of 3,250 kW; and (4) other appurtenances.

m. *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, D.C. 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY

COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

David P. Boergers,

Secretary.

[FR Doc. 00–2188 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

JANUARY 27, 2000. a. *Application Type:* Application to Amend License for the River Mountain Pumped Storage Project.

b. *Project No:* 10455–016.

c. *Date Filed:* December 7, 1999 and January 19, 2000.

d. *Applicant:* JDJ Energy Company.

e. *Name of Project:* River Mountain Pumped Storage Project.

f. *Location:* The project will be located adjacent to Lake Dardanelle, on the Arkansas River in Logan County, Arkansas. Lake Dardanelle is a federally-owned reservoir managed by the U.S. Department of the Army, Corps of Engineers.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Arthur Hagood, Synergics Energy Services, LLC, Synergics Center, 191 Main Street, Annapolis, MD 21401, (410) 268–8820.

i. *FERC Contact:* Any questions on this notice should be addressed to Paul Shannon at (202) 219–2866 or by e-mail at paul.shannon@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* March 7, 2000. Please include the project number (10455–016) on any comments or motions filed.

k. *Description of Filing:* JDJ Energy Company (JDJ) filed an application to revise the authorized configuration of several features. The project is authorized to pass water between Lake Dardanelle and a new reservoir at the summit of River Mountain for pumped storage generation. Under the licensed configuration, flows will travel through a concrete-lined water conduit, powerhouse, and tailrace tunnel, all located underground, between Lake Dardanelle and the new reservoir.

In the application, JDJ proposes to construct the powerhouse control room and service facilities at ground level and drill a vertical shaft to the position of the pumps/turbines, about 400 feet below grade. The powerhouse would be located about 2,500 feet closer to Lake Dardanelle then currently authorized. JDJ also proposes to slightly increase the capacity of the upper reservoir, allowing a maximum reservoir elevation of 1,010 feet instead of the authorized 1,007 feet.

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. This filing may be viewed on http://www.ferc.fed.us/online/rims.htm [call (202) 208–2222 for assistance]. A copy is 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 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.

David P. Boergers,

Secretary,

[FR Doc. 00–2189 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

January 27, 2000.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Original Minor License.

b. *Project No.:* 11616–000.

c. *Date Filed:* June 1, 1998.

d. *Application:* City of Portland, Michigan.

e. *Name of Project:* Portland Municipal Hydroelectric Project.

f. *Location:* On the Grand River, near the City of Portland, in Ionia County. Michigan. The project would not utilized federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Glen Hendrix, Earth Tech Inc., 555 Glenwood Hills

Pkwy, Grand Rapids, MI 495,88, (616) 940–4406.

i. *FERC Contact:* Tom Dean, Thomas.dean@ferc.fed.us, (202) 219–2778.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenors files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource, agency they must also serve a copy of the document on the resource agency.

k. *Status of environmental analysis:* This application is ready for environmental analysis at this time.

l. *Description of the Project:* The project consists of the following existing facilities: (1) A 13-foot-high, 325-foot-long dam with a concrete spillway; (2) a reservoir with a surface area of 90 acres, and a storage area of 140 acre-feet; (3) a powerhouse with a forebay containing two generating units with a total installed capacity of 375 kW; and (4) other appurtenances.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Pubic Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20246, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

Filing and Service of Responsive Documents—The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

Anyone may obtain an extension of time for these deadlines from the Commission only upon showing of good cause or extraordinary circumstances in accordance with 18 CFR 385.2008.

All filings must: (1) Bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' OR ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Project Review, Office of Hydropower Licensing, Federal Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.20110.

David P. Boergers,

Secretary.

[FR Doc. 00–2191 Filed 2–1–00; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6531–4]

Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses; Approval of an Application for Certification of Equipment

AGENCY: Environmental protection agency (EPA).

ACTION: Notice of agency approval of an application for equipment certification.

SUMMARY: The Agency received a request to amend a notification of intent to certify urban bus retrofit/rebuild equipment for 4-stroke petroleum fueled diesel engines pursuant to 40 CFR part 85, subpart O from Engelhard Corporation (Engelhard). Engelhard requested to amend the original notification to include additional engine models. Pursuant to section 85.1407(a)(7), a November 30, 1998 **Federal Register** document summarized the amendment and announced that the amendment request and accompanying data would be available for public review and comment, and initiated a 45-day period during which comments could be submitted. In the document, the Agency stated it would review this request to amend the notification of intent to certify, as well as comments received, to determine whether the equipment should be certified for the additional models.

EPA has completed its review of this amendment request and the Director of the Certification and Compliance Division (CCD) has determined that the requirements for certification have been met. Accordingly, today's **Federal Register** document describes the certification of this equipment for the engine models listed in Table C of this document.

Testing documentation presented to the Agency demonstrates a reduction in particulate matter (PM) of at least 25% for the engines listed in Table C. Life cycle cost information was not submitted by Engelhard and this approval does not trigger requirements for the additional models. Certification of this equipment makes it available for operators complying with the 25% particulate matter reduction requirements of compliance program 1 and may also be used by operators utilizing program 2 to achieve target fleet emission levels.

DATES: Today's **Federal Register** document announces the Agency's decision to certify the CMX equipment for certain 4 stroke/cycle urban bus engines. The effective date of certification was established in a letter dated November 30, 1999 from the Director of the Certification & Compliance Division to Engelhard Corporation. A copy of this letter is in the public docket located at the address noted above. This equipment may be used immediately by urban bus operators.

ADDRESSES: The application, as well as other materials specifically relevant to it, are contained in Public Docket A–93–42 (Category XVII–A), entitled ''Certification of Urban Bus Retrofit/Rebuild Equipment''. This docket is located in room M–1500, Waterside Mall (Ground Floor), U.S. Environmental Protection Agency, 401 M Street SW, Washington, DC 20460.

Docket items may be inspected from 8:00 a.m. until 5:30 p.m., Monday through Friday. As provided in 40 CFR part 2, a reasonable fee may be charged by the Agency for copying docket materials.

FOR FURTHER INFORMATION CONTACT:

Anthony Erb, Engine Compliance Programs Group, Certification & Compliance Division (6403J), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460. Telephone: (202) 564–9259. Email Address: *ERB.ANTHONY@EPA.GOV.*

SUPPLEMENTARY INFORMATION:

I. Program Background

On April 21, 1993, the Agency published final Retrofit/Rebuild Requirements for 1993 and Earlier model Year Urban Buses (58 FR 21359). The retrofit/rebuild program is intended to reduce the ambient levels of particulate matter (PM) in urban areas and is limited to 1993 and earlier model year (MY) urban buses operating in metropolitan areas with 1980 populations of 750,000 or more, whose engines are rebuilt or replaced after January 1, 1995. Operators of the affected buses are required to choose between two compliance programs: Program 1 sets PM emissions requirements for each urban bus engine in an operator's fleet which is rebuilt or replaced; Program 2 is a fleet averaging program that establishes specific annual target levels for average PM emissions from urban buses in an operator's fleet.

Certification of retrofit/rebuild equipment is a key element of the retrofit/rebuild program. To demonstrate compliance under either of the compliance programs, operators of the affected buses must use equipment that has been certified by the Agency. Emissions requirements under either of the two compliance programs depend on the availability of certified retrofit/rebuild equipment for each engine model. To be used for program 1, equipment must be certified as meeting a 0.10 g/bhp-hr PM standard or as achieving a 25 percent reduction in PM. Equipment used for program 2 must be certified as providing some level of PM reduction that would in turn be claimed by urban bus operators when calculating their average fleet PM levels attained under the program. For program 1, information on life cycle costs must be submitted in the notification of intent to certify in order for certification of the equipment to initiate (or trigger) program requirements. To trigger program requirements, the certifier must guarantee that the equipment will be available to all affected operators for a life cycle cost of $7,940 or less at the 0.10 g/bhp-hr PM level, or for a life cycle cost of $2,000 or less for the 25 percent or greater reduction in PM. Both of these values are based on 1992 dollars.

II. Notification of Intent to Certify

By a notification of intent to certify signed November 18, 1996, Engelhard applied for certification of equipment applicable to all Cummins L–10 engines that were originally manufactured prior to and including 1993. The notification of intent to certify stated that the candidate equipment would reduce PM emissions 25 percent or more on petroleum-fueled diesel engines that are rebuilt to Cummins specifications.

The candidate equipment consists of a ''catalytic converter muffler'' or CMX™, that is an exhaust noise muffler containing an oxidation catalyst. Life cycle cost information was submitted with the original notification, along with a guarantee that the equipment would be offered to all affected operators for less than the incremental life cycle cost ceiling. After completion of its review, EPA determined that the certification approval for the November 18 application was limited to the Cummins L–10 electronically controlled (EC) engines based on the testing data supplied. EPA certified this equipment as a trigger for the requirements for operators using compliance option 1, to reduce PM by 25% when rebuilding or replacing 1992–1993 Cummins L–10 EC models. A document was published in the **Federal Register** on March 30, 1998 (63 FR 13660) announcing this certification.

In a letter to EPA dated April 20, 1998, Engelhard requested that the March 30 certification be amended to include all pre-1994 Cummins L–10 models (including the non-electronically controlled models) and all other 4-stroke urban bus engines. On November 30, 1998 EPA published a document in the **Federal Register** requesting comment on the amendment request and on the appropriateness of the engines being considered for this certification and requested information on any additional engines for which this certification may be applicable. In response, the Detroit Diesel Corporation (DDC) commented that it had certified and produced the Series 50 engine for use in urban bus applications for which this certification might be applicable in the ''all other 4-stroke'' general category. Accordingly, EPA has included the Series 50 engine for consideration in the ''all other 4-stroke'' urban bus engine category in this document. Table A below provides a listing of the 4-stroke urban bus engines and the certification levels for which the candidate equipment was considered.

TABLE A.—AFFECTED MODELS AND PROPOSED ENGELHARD CMX CERTIFICATION LEVELS [1]

Cummins/other engine family	Cummins control parts list (CPL)	Manufacture dates	New Engine PM level	Retrofit PM level with CMX	Retrofit PM level with CMX and Cummins kit
343B	780	11/20/85 to 12/31/87	0.58	0.44	0.26
343B	0781	11/20/85 to 12/31/87	0.59	0.44	0.26
343C	0774	11/20/85 to 12/31/89	0.46	0.34	0.26
343C	0777	11/20/85 to 12/31/89	0.61	0.46	0.26
343C	0996	12/04/87 to 08/19/88	0.61	0.46	0.26
343C	1226	07/26/88 to 12/31/90	0.50	0.38	0.26
343F	1226	07/12/90 to 08/26/92	0.45	0.34	0.26
343F	1441	12/18/90 to 12/31/92	0.46	0.34	0.26
343F	1622	04/24/92 to 12/31/92	0.46	0.34	0.26
343F	1624	04/24/92 to 12/31/92	0.45	0.34	0.26
Other [2] 4-stroke engines	N/A	Pre-1988	0.50	0.38	N/A

TABLE A.—AFFECTED MODELS AND PROPOSED ENGELHARD CMX CERTIFICATION LEVELS [1]—Continued

Cummins/other engine family	Cummins control parts list (CPL)	Manufacture dates	New Engine PM level	Retrofit PM level with CMX	Retrofit PM level with CMX and Cummins kit
CAT					
GM					
IH/Navistar					
MAN					
Saab-Scania					
Volvo					
Other 4-stroke engines	N/A	1988 to 1993	([3])	([4])	N/A
CAT					
DDC/Series 50					
GM					
IH/Navistar					
MAN					
Saab-Scania					
Volvo					

[1] The new Engine PM certification levels for Cummins engines are based on the certification level or the average test audit result for each engine family. It is noted that for engine family 343F, although the PM standard for 1991 and 1992 was 0.25 g/bhp-hr and the NO_X standard was 5.0 g/bhp-hr, Cummins certified the 1226, 1441, 1622, and 1624 CPLs to a Federal Emission Limit (FEL) of 0.49 g/bhp-hr PM and 5.6 g/bhp-hr NO_X under the averaging, banking and trading program.

[2] Applicable to the following 4-stroke engines installed in applicable urban buses: Caterpillar 8 cylinder engines, General Motors 6 cylinder and 8 cylinder engines, International Harvester/Navistar 8 cylinder engines, MAN 6 and 8 cylinder engines, Saab-Scania 6 cylinder engines, and Volvo 6 cylinder engines.

[3] Certification level.

[4] 25% reduction from certification PM levels.

In today's **Federal Register** document, EPA is identifying the engines in the ''all other 4-stroke'' category as listed in Table A. In a letter to EPA dated March 16, 1998 Engelhard stated that the inclusion of ''all other 4-stroke engines'' in the Engine Control Systems certification dated January 29, 1998 (63 FR 4445) caused confusion in the marketplace because it was not clear which engines were included in the ''all other 4-stroke engine'' classification. Accordingly, the November 30 **Federal Register** document sought to clarify this matter by identifying the applicable engines. As stated, EPA's intent is that the list of engines apply to the candidate Engelhard certification discussed herein, the Engine Control Systems certification referenced above, and to future notifications of intent to certify equipment under the urban bus rebuild regulations that include engines in the ''all other 4-stroke'' classification.

The equipment to be applied to the engines is a ''catalytic converter muffler'' or CMX™, that is a muffler containing an oxidation catalyst. The CMX is intended to replace the standard muffler previously installed in the engine exhaust system. The CMX is intended to be maintenance free, requiring no service for the full in-use compliance period. The engine fuel to be used with this equipment is standard diesel fuel with a maximum sulfur content of 0.05 weight percent sulfur.

Engelhard presented exhaust emission data from testing a 1987 240hp Cummins L–10 engine, control parts list number 0777 (CPL 0777) and on a Cummins L–10 engine built to CPL 0774 along with additional data to support this certification. Table B below provides a summary of the emissions test data. Under 40 CFR 85.1406(a), a test engine must represent the ''worst case'' with respect to particulate emissions of all those engine configurations for which the equipment is being certified. The worst case configuration is defined as the engine configuration having the highest engine-out PM level, prior to installation of the retrofit/rebuild equipment. In the case at hand, the Cummins L–10 test engine has a specified pre-rebuild PM emission level of 0.61 g/bhp-hr listed in the table at section 85.1403(c)(1)(iii)(A). The PM levels listed in the table at section 85.1403(c)(1)(iii)(A) for all other models and are less than the stated level for the L–10 test engine. Accordingly, the engine tested for this certification qualifies as a worst case configuration for the engine models listed in Table A herein. Section 85.1406 of the urban bus rebuild regulation allows the emission results to be extrapolated to engine types and model years known to have engine-out PM levels equal to or less than that of the test engine.

TABLE B.—EXHAUST EMISSIONS SUMMARY G/BHP–HR

Gaseous and particulate test	1987 L–10 baseline CPL# 0774	1987 L–10 baseline CPL# 0777	1987 L–10 w/CMX CPL# 0774 formula 1/formula 2	1987 L–10 w/CMX CPL# 0777
HC	2.29	2.29	1.07/0.68	1.07
CO	2.19	2.65	1.52/1.01	1.31
NO_X	5.50	5.89	5.23/5.09	5.41
PM	0.476	0.473	0.326/0.287	0.335
BSFC [1]	0.399	0.413	0.394/0.394	0.400
Smoke Test				
ACCEL	8.2%	11.7%	9.3%/11.0%	10.9%
LUG	1.5%	1.7%	1.8%/1.4%	2.0%
PEAK	14.8%	29.2%	15.7%/20.3%	24.8%

[1] Brake Specific Fuel Consumption (BSFC) is measured in units of lb/bhp–hr.

Engelhard did not provide life-cycle cost data relative to this amendment request to include the additional models. Therefore, this equipment is not being considered in today's **Federal Register** document for certification in compliance with the life cycle cost requirements for the additional engines covered by the amendment. However, in a letter dated December 4, 1998, Engelhard requested that life cycle costs apply for this equipment for all applicable models. In the December 4 letter, Engelhard has submitted pricing information along with a guarantee that this equipment will be offered to affected operators for less than the incremental life cycle cost of $2,000 (in 1992 dollars). On July 30, 1999, a **Federal Register** document was published concerning this request to include life cycle costs (64 FR 41417). Comments have been received in response to the July 30 document and are currently being reviewed by EPA. If certified to comply with life cycle cost requirements, this equipment will trigger program requirements for the engines included in the general category of ''all other 4-stroke engines.'' A separate document will be published in the **Federal Register** announcing EPA's decision on Engelhard's request to certify this equipment to include life cycle costs when the review is complete.

The engines to which the certification announced in today's **Federal Register** document applies are listed in Table C below. The equipment is certified to post-rebuild PM certification levels listed in Table C for each respective engine. Under program 1, all rebuilds or replacements of applicable engines for which a 25% or greater reduction of PM is required may utilize this certified Engelhard equipment (or other equipment certified to reduce PM by at least 25 percent). Urban bus operators who choose to comply with program 2 and use this equipment will use the appropriate PM emission value from Table C when calculating their average fleet PM level.

TABLE C.—ENGELHARD CMX CERTIFICATION LEVELS [1]

Cummins/other engine family	Cummins control parts list (CPL)	Manufacture dates	New Engine PM level	Retrofit PM Level with CMX	Retrofit PM Level with CMX Cummins kit
343B	780	11/20/85 to 12/31/87	0.58	0.44	0.26
343B	078	111/20/85 to 12/31/87	0.59	0.44	0.26
343C	0774	11/20/85 to 12/31/89	0.46	0.34	0.26
343C	0777	11/20/85 to 12/31/89	0.61	0.46	0.26
343C	0996	12/04/87 to 08/19/88	0.61	0.46	0.26
343C	1226	07/26/88 to 12/31/90	0.50	0.38	0.26
343F	1226	07/12/90 to 08/26/92	0.45	0.34	0.26
343F	1441	12/18/90 to 12/31/92	0.46	0.34	0.26
343F	1622	04/24/92 to 12/31/92	0.46	0.34	0.26
343F	1624	04/24/92 to 12/31/92	0.45	0.34	0.26
Other [1] 4-stroke engines	N/A	Pre-1988	0.50	0.38	N/A
CAT					
GM IH/Navistar					
MAN					
Saab-Scania					
Volvo					
Other 4-stroke engines		1988 to 1993	([3])	([4])	N/A
CAT					
GM					
IH/Navistar					
MAN					
Saab-Scania					
Volvo					

[1] The new Engine PM certification levels for Cummins engines are based on the certification level or the average test audit result for each engine family. It is noted that for engine family 343F, although the PM standard for 1991 and 1992 was 0.25 g/bhp-hr and the NO**X** standard was 5.0 g/bhp-hr, Cummins certified the 1226, 1441, 1622, and 1624 CPLs to a Federal Emission Limit (FEL) of 0.49 g/bhp-hr PM and 5.6 g/bhp-hr NO**X** under the averaging, banking and trading program.

[2] Applicable to the following 4-stroke engines installed in applicable urban buses: Caterpillar 8 cylinder engines, General Motors 6 cylinder and 8 cylinder engines, International Harvester/Navistar 8 cylinder engines, MAN 6 and 8 cylinder engines, Saab-Scania 6 cylinder engines, and Volvo 6 cylinder engines.

[3] Certification level.

[4] 25% reduction from certification PM levels.

III. Summary and Analysis of Comments

EPA received comments from three parties on the Engelhard application during the comment period: Detroit Diesel Corporation (DDC), Johnson Matthey Corporation (JMI), and Engine Control Systems (ECS). DDC is the original manufacturer of the Series 50 engine. JMI and ECS are both certifiers and suppliers of equipment under the urban bus rebuild program.

The Detroit Diesel Corporation (DDC) commented that the DDC Series 50 engine should not be included in the certification. DDC also commented on the reported hydrocarbon results for the baseline test. Regarding DDC's comments relative to the Series 50 engine, DDC stated that it had certified and produced 1992–1993 model year Series 50 engines for use in urban bus applications. DDC stated that the Series 50 is an electronically controlled engine with PM emissions in the range of 0.07 to 0.13 g/bhp-hr that was not equipped with an exhaust catalyst when certified. DDC stated that the Series 50 model engines were not cited in the November 30,1998 **Federal Register** document and should not be included in this certification among the additional engines in the general class of ''all other 4-stroke engines'' based on the test data presented in the document. DDC noted that the Engelhard certification tests were for a 1987 model year Cummins L–10 with baseline test results of 0.47 g/

bhp-hr PM and extremely high HC overall suggesting the engine may have a high soluble fraction. DDC stated that since catalysts are known to be most effective on the soluble fraction of particulate and relatively ineffective in reducing the dry soot, the overall catalyst effectiveness increases with the soluble fraction. DDC states that the Series 50 has low PM with a low soluble fraction. Because of the differences in the quantity and composition of particulate emissions from the two engines, it would not be appropriate to extrapolate the results of the Engelhard L–10 testing to conclude that the CMX will achieve the required 25% particulate reduction when applied to the Series 50 engines. Thus, DDC stated the Series 50 inclusion in this certification would not be justified.

In response to DDC's comment, Engelhard provided data from testing conducted on a 1995 275 hp DDC Series 50 engine. Engelhard conducted testing using CMX technology exploring the effects of fuel sulfur on particulate matter emissions. Fuel sulfur levels of 500 parts per million (ppm) and 315 ppm were run on the CMX catalyst. The report containing this data titled, ''The Effect of Diesel Sulfur Content and Oxidation Catalysts on Transient Emissions at High Altitude from a 1995 Detroit Diesel Series 50 Urban Bus Engine'' has been placed in the public docket listed above. After review of the above report and the comments received, EPA determined that additional information would be needed before it could be determined that Engelhard had demonstrated a 25% PM reduction for Series 50 engine. Upon EPA informing Engelhard of the need for additional data and evaluation relative to the Series 50 engine, Engelhard requested that the Series 50 be removed from consideration under this certification. Engelhard made this request so that certification approval for the remaining models would not be delayed due to time necessary to receive and evaluate additional information relative to the Series 50. Accordingly, EPA has removed the Series 50 model from consideration under this certification. However, as noted earlier the Series 50 was added to the general class of ''all other 4-stroke engines'' for consideration under the Urban Bus Rebuild Program.

DDC's second comment concerns the hydrocarbon (HC) level reported as 2.29 g/bhp-hr in the baseline Cummins L–10 engine test. DDC states that this HC level is indicative of an engine fault and questions the certification data. In response, Engelhard notes that while this engine does have high HC emissions, data from five tests conducted after it had rebuilt this engine to various configurations consistently show HC emissions that are around 2.0 g/bhp-hr on average with standard Cummins rebuild specifications. The HC result for the certification test of the CPL 0777 configuration provided by Engelhard in the amendment was 2.29 g/bhp-hr. EPA notes that based on the consistent HC results for this engine after rebuild, it is apparent that the HC results are inherent to this engine in a standard rebuild configuration. EPA notes that it has seen considerable variation in the test results for baseline engines for the applications that have been reviewed for certification. Consistent with 40 CFR 85.1406(a), the certification engine is not required to meet Federal emission standards before the retrofit/rebuild equipment is installed. The retrofit/rebuild regulation requires that the PM reduction must be shown to be incremental to a standard rebuild. Based on the fact that the baseline engine in this certification was rebuilt to a standard configuration with no obvious defects, EPA finds the results to be acceptable. It is noted that with the addition of the CMX technology the HC emissions are reduced to 1.07 g/bhp-hr during testing and are within specified standards in accordance with the regulations. After review of the data presented, EPA finds that the test engine and the emission results presented are acceptable.

Engine Control Systems, Ltd. (ECS) commented that this application should be reviewed in conjunction with the life cycle costs as submitted in Engelhard's December 4 letter, in order to solicit the full range of comments needed to justify triggering the 25% PM reduction requirements for the affected engines. ECS also commented on catalyst applicability, effectiveness, performance, PM reduction, backpressure, and the identification of the different catalyst formulations. ECS commented on testing it has performed and results of Engelhard testing on Cummins N14 engines and other data conveyed by Engelhard. ECS also commented that it should be clearly stated that this certification applies only to applicable urban bus engines.

With regard to the ECS comment that product performance and cost should be addressed together to solicit the full range of comments for those engines constituting the ''all other 4-stroke'' category, the urban bus retrofit/rebuild regulation allows for certification based on emission reduction without including cost data. In response, EPA believes that the urban bus retrofit/rebuild regulation clearly allows for certification based on emission reductions without cost data. In fact, prior to this certification review, EPA has reviewed and approved several certifications of equipment under this program without life cycle cost data.

Life cycle cost data is necessary to trigger retrofit/rebuild requirements under program 1. Since Engelhard had not provided cost information with this amendment request, this certification will not trigger new requirements for any of the affected engines and a review of cost data is not necessary for approval. However, Engelhard has more recently requested to include cost data and to certify this equipment within the specified life cycle cost requirements. A document was published in the **Federal Register** on July 30, 1999 (64 FR 41417) regarding this amendment request to include life cycle costs for this certification. Comments have been received and are currently under review. A separate document will be published in the **Federal Register** announcing EPA's decision after review is completed.

ECS has requested that Engelhard divulge its catalyst formulation and size publicly. Engelhard states that this information is proprietary and declines to provide this information in a public format. Customarily, EPA allows manufacturers to maintain catalyst specifications as confidential business information provided such information is presented for EPA review and is found to be acceptable. Engelhard has provided descriptions of the various catalysts and formulations used during testing and EPA finds the information presented to be acceptable under the urban bus program.

ECS commented that it is not clear which formulation is being proposed to cover the 4-stroke engines included in this certification. If different formulations are proposed which catalysts are meant to cover the various engines? What data shows the effectiveness of these formulations and how will they be identified in the marketplace to ensure appropriate use? Engelhard has responded that it will provide a specific CMX unit for a specific bus and engine combination using the certified catalyst. In the amendment request and subsequent information, Engelhard documented tests performed on a wide range of catalyst formulations on an engine designated to be the ''worst case'' and has also provided data based on other engine configurations. In the regulations, EPA stated it will allow results of emission tests for after treatment devices to be extrapolated to

engine types and model years known to have engine-out PM levels equal to or less than the test engine. In the application, Engelhard has presented data from Cummins engine with CPL 0777 which is considered to be the worst case configuration for the engines to be included in this certification. In addition, Engelhard has presented data from tests performed on Cummins CPL 0774 to support this amendment request. Engelhard has responded that in order to simplify certification, it will only utilize the catalyst formulation tested on the Cummins L–10 CPL 0777. EPA has reviewed the effectiveness of the formulation to be used with this equipment and designated for this certification and finds it to be acceptable. ECS commented that the emissions profile of Cummins L–10 engine (CPL 0777) that Engelhard tested was significantly different from the L–10 engine ECS tested for its certification. ECS commented that Engelhard testing of CPL 0774 showed very high insoluble carbon reductions and ECS questions on all the L–10 test data. The urban bus retrofit/rebuild rule does not specify the percentage reduction which must occur in either the soluble or insoluble PM fractions. In its March 30, 1998 submission, Engelhard provided data showing that the CMX technology reduces the total particulate matter by at least 25 percent based on the tests conducted on CPL 0774. While it is recognized that the insoluble portion of the PM appears relatively high, Engelhard has provided data showing the CMX technology reduces the soluble and the insoluble fraction of total particulate to meet the requirements of the bus regulation. Furthermore, Engelhard has provided test data for CPL 0777 demonstrating at least a 25% reduction in total PM. No data was provided by Engelhard regarding the soluble versus insoluble portion of the PM for CPL 0777. However, such data is not an explicit requirement of the regulation. Based on the total PM reduction shown in the test data, EPA finds that the test results demonstrate compliance with the standard of reducing PM by at least 25%.

ECS commented that the tests conducted by Engelhard were conducted in a very uniform and procedural fashion with a backpressure setting which is atypical from actual in-use applications. Further, ECS commented that additional support data should be required to determine whether claimed PM reductions will occur on actual in-use buses. The regulation clearly states that the emission test to be used is the Heavy-Duty Engine Federal Test Procedure set forth in 40 CFR Part 86 Subpart N or an approved alternative test procedure. EPA notes that the testing supplied by Engelhard for this certification was conducted according to the specified test procedure as put forth in 40 CFR and is accepted.

The urban bus retrofit/rebuild regulation does not require durability testing or in-use testing. However, it does require that the certifier supply a defect warranty over the initial 100,000 mile period of use of a certified system. Accordingly, the certifier is required to replace any defective part that is included in the certified kit during the 100,000 mile warranty period. As well, the certifier is required to warrant that the equipment, if properly installed and maintained, will meet the emission requirements for a period of 150,000 miles from when the equipment is installed.

ECS commented that both Engelhard and ECS are participating in Ottawa test programs. Specifically, Engelhard CMX technology has been retrofit on two buses equipped with Cummins N14 4 stroke/cycle engines. ECS asked if Engelhard will disclose the results of this testing to EPA and discuss the results. ECS believes that the data from the Ottawa program does not support a broad certification of the CMX for all 4 stroke/cycle engines for a 25% PM reduction. In response Engelhard has stated that this information is not relevant to this application because the catalyst used during that program was undersized compared to the catalyst which would be supplied under this certification. Engelhard asserts that a properly sized CMX catalyst will achieve the 25% reduction over the FTP on an N–14 engine.

ECS provided documentation which ECS stated was presented by Engelhard at a recent workshop in Hong Kong. ECS comments that the data presented shows that the expected PM emissions reductions with the CMX converter muffler for several engine families is below 25%. In response Engelhard states that the referenced data incorporates testing on undersized catalysts and that the data referenced by ECS was based on obsolete catalyst formulations. Engelhard will utilize only the high activity catalyst formulation used for testing the Cummins L–10 CPL 0777 in this application. A description of this catalyst was provided by Engelhard as confidential business information for EPA's review. EPA finds that Engelhard has demonstrated that this catalyst will provide for at least a 25% PM reduction on the applicable engines included in this certification. Engelhard states that it will size the catalyst according to the applicable engine size to achieve the specific PM reductions specified.

In the data provided with this amendment, Engelhard has documented test results utilizing a range of catalyst formulations on the worst case configuration. EPA finds that this data demonstrates that the Engelhard CMX will reduce PM by a minimum of 25 percent. The regulation allows that after treatment devices such as the CMX equipment may be applied to other engines based on testing performed on the worst case engine. Engelhard has complied with this requirement for this certification.

ECS requested that EPA specifically state, in granting of any 4-stroke engine certification based on emissions from data from a single engine, that such certifications only apply to specific urban bus engines. In this document, EPA has identified the specific urban bus engines to which it applies. ECS also requested that EPA state that this certification should not be used by state agencies in the assessment of non-urban bus retrofit programs. EPA does not believe this statement is appropriate in this document because it is outside of the purview of the urban bus rebuild program.

The Johnson Matthey Corporation (JMI) commented on the use of CPL 0777 as the worst case configuration. JMI also commented on the use of two different catalyst formulations during emission testing and questioned which was used during certification testing and how each formulation would be identified for use.

Johnson Matthey Corporation (JMI) commented that the worst case engine should be based on the highest exhaust flow rate rather than using the engine with the highest engine out PM. JMI commented that Engelhard should explain the reasoning for selecting CPL 0777. The regulations specify that the worst case engine configuration shall be the engine configuration having the highest engine-out particulate matter emission levels prior to installation of the retrofit/rebuild equipment. The Cummins engine CPL 0777 meets this criteria and qualifies as the worst case engine configuration for the engines included in this certification under the regulations.

JMI commented that Engelhard provides performance data for two different catalyst formulations on the engine configured to CPL 0744. JMI commented that only one catalyst formulation was tested on CPL 0777 and Engelhard should be required to identify which formulation was used for

certification testing. In addition, Engelhard should present conclusive information regarding the specific formulation tested. Further, if more than one formulation is being certified, the EPA should require Engelhard to clearly identify each formulation and where it may appropriately be used. Engelhard has responded that in order to simplify certification, it will only utilize the catalyst formulation tested on the Cummins L–10 CPL–0777. Engelhard has provided confidential business information on the catalyst formulation used in certification testing. EPA finds it to be acceptable.

IV. Certification Approval

The Agency has reviewed this application, along with comments received from interested parties, and finds that this equipment reduces particulate matter emissions without causing urban bus engines to fail to meet other applicable Federal emission requirements. Additionally, EPA finds that installation of this equipment will not cause or contribute to an unreasonable risk to the public health, welfare or safety, or result in any additional range of parameter adjustability or accessibility to adjustment than that of the engine manufacturer's emission related part. The application meets the requirements for certification under the Retrofit/Rebuild Requirements for 1993 and Earlier Model Year Urban Buses (40 CFR 85.1401 and 85.1415).

V. Operator Requirements and Responsibilities

This equipment may be used immediately by urban bus operators who have chosen to comply with either program 1 or program 2 and who have applicable engines. Currently, operators having certain of the applicable engines who have chosen to comply with program 1 must use equipment certified to reduce PM emissions by 25 percent or more when those engines are rebuilt or replaced. Today's **Federal Register** document certifies the above-described Engelhard equipment as meeting this PM reduction requirement for all engine models listed in Table C herein. Urban bus operators choosing to comply with program 1 must use the certified Engelhard equipment (or other equipment that is certified in the meantime to reduce PM by at least 25 percent) for any Cummins engine that is listed in Table C that undergo rebuild. The requirement to use certified equipment demonstration a 25 percent reduction in PM for the Cummins engines listed is based on an earlier certification by the Cummins Engine Company as published in a **Federal Register** document dated December 13,1995 (60 FR 64048). The requirement remain until such time as the 0.10 g/bhp-hr standard is triggered for the applicable engines. For the engines included in the general class of ''all other 4-stroke engines'' as listed in Table C the requirement to use 25 percent reduction equipment will be based on EPA decision on the December 4, 1998 amendment request from Engelhard referenced earlier. In the December 4 request Engelhard submitted pricing information along with a guarantee that this equipment will be offered to affected operators for less than the incremental life cycle cost of $2,000 (in 1992 dollars) for these engines. On July 30, 1999, a **Federal Register** document was published concerning this request to include life cycle costs (64 FR 41417). Comments have been received in response to the July 30 document and are currently being reviewed by EPA. If certified to comply with life cycle cost requirements, this equipment will trigger program requirements for the engines included in the general category of ''all other 4-stroke engines'' under program 1. Operators who choose to comply with program 2 and use the Engelhard equipment will use the appropriate PM emission level from Table C when calculating their fleet level attained (FLA).

As stated in the regulations, operators should maintain records for each engine in their fleet to demonstrate that they are in compliance with the requirements, beginning January 1, 1995. These records include purchase records, receipts, and part numbers for the parts and components used in the rebuilding of urban bus engines.

Dated: January 21, 2000.

Robert Perciasepe,

Assistant Administrator for Air and Radiation.

[FR Doc. 00–2180 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[NV–0038–0019; FRL–6530–7]

Adequacy Status of the Clark County, Nevada Submitted CO Attainment Plan for Transportation Conformity Purposes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of inadequacy determination.

SUMMARY: In this document, EPA is notifying the public that we have found that the submitted Clark County (Las Vegas, NV) serious area carbon monoxide (CO) attainment plan is inadequate for transportation conformity purposes. As a result of our finding, the Regional Transportation Commission and the Federal Highway Administration cannot use the CO motor vehicle emissions budgets from the submitted plan for future conformity determinations.

DATES: This determination is effective February 17, 2000.

FOR FURTHER INFORMATION CONTACT: The finding is available at EPA's conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). You may also contact Karina O'Connor, U.S. EPA, Region IX, Air Division AIR–2, 75 Hawthorne Street, San Francisco, CA 94105; (415) 744–1247 or oconnor.karina@epa.gov.

SUPPLEMENTARY INFORMATION:

Background

This document announces our finding that the *Carbon Monoxide Air Quality Implementation Plan for the Clark County Non-Attainment Area*, submitted by Nevada on October 6, 1999, is inadequate for transportation conformity purposes. EPA Region IX made this finding in a letter to the Nevada Division of Environmental Protection on January 12, 2000. We are also announcing this finding on our conformity website: http://www.epa.gov/oms/traq, (once there, click on the ''Conformity'' button, then look for ''Adequacy Review of SIP Submissions for Conformity''). Transportation conformity is required by section 176(c) of the Clean Air Act. Our conformity rule requires that transportation plans, programs, and projects conform to state air quality implementation plans (SIPs) and establishes the criteria and procedures for determining whether or not they do. Conformity to a SIP means that transportation activities will not produce new air quality violations, worsen existing violations, or delay timely attainment of the national ambient air quality standards.

The criteria by which we determine whether a SIP's motor vehicle emission budgets are adequate for conformity purposes are outlined in 40 CFR 93.118(e)(4). One of these criterion is that the plan provide for attainment of the relevant ambient air quality standard by the applicable Clean Air Act attainment date. We have

preliminarily determined that the Clark County CO plan does not provide for attainment of the CO standards and therefore, cannot be found adequate.

We have described our process for determining the adequacy of submitted SIP budgets in guidance (May 14, 1999 memo titled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision''). We followed this guidance in making our inadequacy determination on the Clark County CO plan.

Authority: 42 U.S.C. 7401–7671q.

Dated: January 18, 2000.

Laura Yoshii,

Acting Regional Administrator, Region IX.

[FR Doc. 00–2181 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6532–1]

Notice of Public Meeting and Extension of Time to Comment on the Interim Guidance on the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Section 101(10)(H) Federally Permitted Release Definition for Certain Air Emissions

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a public meeting to be held on February 24, 2000 in Washington, DC and is also announcing an extension of time to comment on the Interim Guidance on the CERCLA Section 101(10)(H) Federally Permitted Release Definition for Certain Air Emissions.

ADDRESSES: Send comments to EPA, CERCLA Federally Permitted Release Definition, Docket Number EC–G–1999–029, Mail Code 2201–A, and mail to: 401 M Street, SW, Washington DC, 20460; or fax to: (202) 501–1011; or email to: docket.oeca@epa.gov. Commentors who want EPA to acknowledge receipt of their comments must mail a self-addressed, stamped envelope.

FOR FURTHER INFORMATION: For further information regarding the public meeting and extension of time, please contact Beth Burchard, Environmental Protection Agency (Mail Code 2245A), 401 M Street, SW, EPA Headquarters, Washington, DC 20460; (202) 564–4177.

SUPPLEMENTARY INFORMATION:

Purpose of this Notice

The Environmental Protection Agency announces a public meeting to be held on February 24, 2000 at 1:00 p.m. at the Ariel Rios, South Building, 1200 Pennsylvania Avenue, NW., Room 6226, Washington, DC. The subject of the meeting will be the December 21, 1999 Interim Guidance on the CERCLA Section 101(10)(H) Federally Permitted Release Definition for Certain Air Emissions. The guidance discusses EPA's interpretation of the federally permitted release exemption as it applies to certain air emissions, responds to industry questions, and solicits public comment on the issues discussed in the interim guidance. The interim guidance was published in the **Federal Register** at 64 FR 71614 (Dec. 21, 1999).

The meeting in Washington, DC will include a brief overview of the interim guidance, followed by a question, answer and comment period. Those wishing to attend should call Beth Burchard at (202) 564–4177 no later than February 18, 1999 so that their names can be added to a security list. Attendees must bring a photo ID.

By publication of this notice the Environmental Protection Agency also announces an extension of time to submit comments on the interim guidance from February 22, 2000 to March 10, 2000.

Eric Schaeffer,

Director, Office of Regulatory Enforcement.

[FR Doc. 00–2281 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6531–5]

Science Advisory Board; Notification of Public Advisory Committee Meetings

Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that two committees of the USEPA Science Advisory Board (SAB) will meet on the dates and times noted below. All times noted are Eastern Time. All meetings are open to the public, however, seating is limited and available on a first come basis. *Important Notice:* Documents that are the subject of SAB reviews are normally available from the originating EPA office and are not available from the SAB Office—information concerning availability of documents from the relevant Program Office is included below.

1. Executive Committee of the SAB

The Executive Committee of the SAB will conduct a brief meeting on February 16, 2000 between the hours of 2:00 and 4:00 EST. The meeting will be held in Room 6013 in the Ariel Rios Building (adjacent to the Federal Triangle Metro exit on 12th Street), 1200 Pennsylvania Avenue, NW, Washington, DC. At this meeting the Executive Committee plans to review reports from some of its Committees/Subcommittee, most likely including the following:

(a) *Executive Committee Subcommittee:* ''Review of the Agency's Position on the Data from the Testing of Human Subjects.''

(b) *Executive Committee Subcommittee:* ''Review of the Agency's Application of the Cancer Risk Assessment Guidelines to Children.''

(c) *Executive Committee Subcommittee:* ''Review of the Application of the Draft Cancer Risk Assessment Guidelines to the Case of Chloroform.''

(d) *Research Strategies Advisory Committee joint report view with the Board of Scientific Counselors of ORD:* ''Review of the Agency's Science to Achieve Results (STAR) Program.''

Drafts of the reports that will be reviewed at the meeting should available to the public at the SAB website (http://www.epa.gov/sab) by close-of-business on February 9, 2000.

Public Comments—Any member of the public wishing further information concerning the meeting or wishing to submit brief oral comments should contact Dr. Donald G. Barnes, Designated Federal Officer (DFO) for the Executive Committee, in writing, no later than close of business Friday, February 11th at USEPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460; phone (202) 564–4533, fax (202) 501–0323; or via e-mail at <barnes.don@epa.gov>. The oral comment period will be limited to 15 minutes total, with no more than three minutes per speaker or organization.

Pre-Registration for Attendance—Any member of the public who desires to attend the meeting must *pre-register* with Ms. Priscilla Tillery-Gadson no later than close of business on Friday, February 11th at (202) 564–4543 or via e-mail at <*tillery.priscilla@epa.gov*>. The site of the meeting (1200 Pennsylvania Avenue, NW) is a secure building and prior arrangements must be made for access by non-Federal employees.

2. Residual Risk Applications Subcommittee

The Residual Risk Applications Subcommittee (Subcommittee) of the Science Advisory Board (SAB) will meet on Wednesday and Thursday, March 1–2, 2000 in the Main Auditorium of the US EPA, Office of Research and Development, Environmental Research Center, 86 T.W. Alexander Drive, Research Triangle Park, North Carolina 27711. The meeting will begin at 8:30 am and adjourn no later than 5:00 pm on each day.

Purpose of the Meeting—The purpose of meeting is to conduct a review of the methodology the Agency will use to conduct Residual Risk assessments. The Agency will present a case study risk assessment for the secondary lead smelters source category for review by the SAB.

In 1998, the SAB reviewed an Agency Report to Congress that described the approach that the Agency would use in assessing the ''residual risk'' in the context of the Clean Air Act. That document presented the Agency's response to the mandate found in Section 112(f)(1) of the Act and described a strategy for addressing the risks remaining from the emission of Hazardous Air Pollutants once Maximum Achievable Control Technology (MACT) standards have been implemented. Additional information and insight can be found on the SAB Website in the SAB's review of that Report to Congress: http://www.epa.gov/sab/ec9813.pdf.

Proposed Charge—The Proposed Charge to the SAB is as follows:

(a) Is the methodology that the Agency applied in this risk assessment consistent with the risk assessment approach and methodology presented in the Report to Congress (EPA–453/R–99–001)? Are the assumptions used in this risk assessment consistent with current methods and practices?

(b) Model Inputs—Are the methods used to estimate emission rates, and the method used to estimate species at the stack appropriate and clearly described?

(c) Models—Does the risk assessment use appropriate currently available dispersion models both at the screening level and at the more refined level of analysis? Are the models applied correctly? Given the state of the science, does the risk assessment use an appropriate multipathway model? The assessment uses the IEM–2M model, with some modifications. Is the IEM–2M model appropriate for use in this regulatory context? With regard to the modification and application of the model, did the EPA appropriately modify the model for use in this risk assessment, and did the Agency apply the model correctly? Is there another model or another approach, that is available at this time that EPA should consider?

(d) Choice of Receptors—The Agency identifies the home gardener as the appropriate receptor to estimate risks to the residential population and the farmer to embody high end risks. Are these receptors appropriate for this task?

(e) Ecological Risk Assessment—Given currently available methods, are the models used for the ecological assessment appropriate? Are they applied correctly? Are the ecological benchmarks appropriate?

(f) Uncertainty and variability assessment—Did the assessment use appropriate currently available methods to identify the variables and pathways to address in the uncertainty and variability assessment? Are the methods used to quantify variability and uncertainty acceptable? Are there other, more appropriate methods available for consideration?

(g) Results Presentation—Does the Agency's document clearly present and interpret the risk results? Does it provide the appropriate level of information? Do the figures and tables adequately present the data? Do the formats provide for a clear understanding of the material?

Availability of Review Materials—Copies of the draft document may be obtained from Ms. Kelly Rimer, Emissions Standards Division (ESD), Office of Air Quality Planning and Standards (OAQPS), MD–13, RTP, NC 27711, phone (919) 541–2962; or via e-mail at <rimer.kelly@epa.gov>.

A limited number of telephone lines will be available to the public for listening to the proceedings. For details on participating in the meeting in this fashion, call Kelly Rimer one week prior before the meeting.

Public Comments—Any member of the public wishing to provide brief oral comments at the meeting must contact Dr. Donald Barnes, Designated Federal Officer (DFO), *in writing* no later than noon Eastern Time on Monday, February 21 at: USEPA Science Advisory Board (1400A), 1200 Pennsylvania Avenue, NW, Washington DC 20460; fax (202) 501–0323; or via e-mail at: <barnes.don@epa.gov>. The request should identify the name of the individual who will make the presentation, the organization represented, and an outline of the issue(s) to be addressed.

Providing Oral or Written Comments at SAB Meetings

The Science Advisory Board expects that public statements presented at its meetings will not be repetitive of previously submitted oral or written statements. In general, each individual or group making an oral presentation will be limited to a total time of ten minutes (unless otherwise noted). Written comments (at least 35 copies) received in the SAB Staff Office sufficiently prior to a meeting date (usually one week before the meeting), may be mailed to the relevant SAB committee or subcommittee; comments received too close to the meeting date will normally provided to the committee at its meeting, or mailed soon after receipt by the Agency. Written comments may be provided to the relevant committee or subcommittee up until the time of the meeting.

Additional information concerning the Science Advisory Board, its structure, function, and composition, may be found on the SAB Website (*http://www.epa.gov/sab*) and in the Annual Report of the Staff Director which is available from the SAB Publications Staff at (202) 564–4533 or via fax at (202) 501–0256.

Meeting Access

Individuals requiring special accommodation at either meeting, including wheelchair access, should contact Dr. Barnes at least five business days prior to the respective meeting so that appropriate arrangements can be made.

Dated: January 27, 2000.

Donald G. Barnes,

Staff Director, Science Advisory Board.

[FR Doc. 00–2179 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6531–8]

Board of Scientific Counselors, Executive Committee Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Cancellation of Meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Public Law 92–463, as amended (5 U.S.C., App. 2) notification is hereby given that the Environmental Protection Agency, Office of Research and Development (ORD), The Board of Scientific Counselors (BOSC), Executive Committee Meeting, scheduled for

February 9–10, 2000 is hereby canceled. This meeting announcement was published in the **Federal Register** on January 25, 2000 at 65 FR 3959.

FOR FURTHER INFORMATION CONTACT: Shirley R. Hamilton, Designated Federal Officer, U.S. Environmental Protection Agency, Office of Research and Development, NCERQA (MC 8701R), 401 M Street, S.W., Washington, D.C. 20460, (202) 564–6853.

Dated: January 27, 2000.

Peter W. Preuss, Ph.D.,

Director, National Center for Environmental Research and Quality Assurance.

[FR Doc. 00–2279 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6531–6]

Technical Workshop to Peer Review Toxicology Testing Initiative on Styrene-Acrylonitrile Trimer

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: EPA is announcing a workshop to be conducted by the Eastern Research Group, Inc. (ERG), an EPA contractor, for the external scientific peer review of the proposed toxicology testing initiative and associated experimental protocols for styrene-acrylonitrile (SAN_2) trimer, a contaminant at the Reich Farm Superfund site in Ocean County, New Jersey, which has migrated into the ground water. The peer review workshop is being organized to assist in conducting the most scientifically credible and relevant testing for carcinogenicity of the trimer, particularly during the perinatal period, and for chronic non-cancer health effects. The one-day workshop will be held in Toms River, New Jersey, on March 7, 2000, and will be open to members of the public as observers. It will be conducted in accordance with EPA's 1998 Peer Review Handbook. Stakeholders in the issue who have additional information which is relevant to the testing initiative are invited to submit written comments and/or make brief oral comments at the peer review workshop.

DATES: The workshop will be held on Tuesday, March 7, 2000, from 8:00 a.m. to 5:00 p.m. Members of the public may attend as observers. There will be a 30-minute session at the commencement of the workshop in which observers will have the opportunity to make brief comments relevant to the proposed testing initiative. Observers who wish to make such comments should register to do so with ERG by March 1, 2000. The time allotted for each comment will be limited based upon the number of persons requesting to make comments, but will be no more than five (5) minutes. Interested parties who wish to submit written comments for consideration by the peer reviewers should submit them so that ERG receives them on or before February 25, 2000.

ADDRESSES: The meeting will be held in the L. Manuel Hirshblond Meeting Room, at the Township of Dover Municipal Building, 33 Washington Street, Toms River, New Jersey 08753. Since seating capacity is limited, please contact Ms. Meg Vrablik of ERG, by telephone, at 781-674–7374; by facsimile, at 781–674–2906; or by E-mail, at mvrablik@erg.com, by March 1, 2000, to register to attend the workshop as an observer. Also please register with Ms. Vrablik to make brief comments at the workshop. Kindly send written comments to Ms. Vrablik at Eastern Research Group, Inc., 110 Hartwell Avenue, Lexington, MA 02421–3136, by February 25, 2000.

FOR FURTHER INFORMATION CONTACT: To register and for logistical inquires, contact Ms. Vrablik or Ms. Kate Schalk at Eastern Research Group at the above numbers. For information on documents cited in this notice, contact Dr. Dorothy Canter, US EPA, at 202–260-2230.

SUPPLEMENTARY INFORMATION:

Background

Spent process streams from the manufacture of styrene acrylonitrile polymer by Union Carbide Corporation (UCC) were disposed of at the Reich Farm property in Ocean County, New Jersey. The waste contains SAN_2 trimer, a chemical mixture which has migrated from the Reich Farm property into groundwater. Levels of SAN_2 trimer measured in water drawn from groundwater wells have been in the parts per billion and lower. The site is on the National Priorities List (NPL) of hazardous waste sites, and remedial activities are currently underway.

Increased incidences of certain forms of cancer in children, specifically certain types of leukemia, neuroblastoma, and brain and central nervous system cancers, have been observed in Ocean County, Dover Township and Toms River. To develop scientific data on the toxicologic and carcinogenic potential of the SAN_2 trimer and to address concerns of citizens in the area about the toxicity of this previously untested mixture, UCC undertook an initial round of toxicology experiments, which consisted of genotoxicity studies, an acute toxicity study in rats and a 14-day repeated dose study in rats. The results from these studies are now available.

The Interagency Workgroup for the Toxicity Testing of the SAN_2 Trimer was formed to provide guidance to UCC on the testing of the SAN_2 trimer. In late 1998, the National Toxicology Program (NTP) of the National Institute of Environmental Health Sciences joined the Workgroup based upon its commitment to perform rodent carcinogenicity studies which include perinatal exposures. The current governmental agencies represented on the Workgroup are the US Environmental Protection Agency, the Agency for Toxic Substances and Disease Registry, NTP, the New Jersey Department of Environmental Protection, and the New Jersey Department of Health and Senior Services. Representatives of UCC and the consultant representing the Ocean County Department of Health also participate in the Workgroup.

The Workgroup has met four times since November 1998, evaluating the results of the studies previously performed by UCC, and reviewing additional studies proposed to be performed by the NTP and UCC. The Workgroup has developed a consensus testing strategy with associated experimental protocols. A key step in the finalization of this testing strategy will be the external peer review workshop on March 7, 2000. The Workgroup also formed a subgroup which developed a group of pharmacokinetics studies that will be conducted concurrently with the range finding studies of the NTP toxicity testing initiative.

Twelve independent scientists with expertise in general toxicology, carcinogenesis, developmental toxicology, neurotoxicology, pharmacokinetics, genetic toxicology, biostatistics, veterinary pathology, and analytical chemistry were selected by ERG from among the experts nominated by stakeholders for possible service on the peer review panel. In making the selections, ERG determined that the panel members had no real or perceived conflicts of interest. The panel will evaluate only those issues which are relevant to the toxicologic potential of the SAN_2 trimer.

Following the peer review workshop, ERG will prepare a summary report on the workshop which will present the panel's recommendations. This report will be available to dinterested parties

and will be posted on EPA's website. The Interagency Workgroup will address the panel recommendations in finalizing the toxicology testing initiative for the SAN_2 trimer.

Dated: January 21, 2000.

Timothy Fields, Jr.,

Assistant Administrator, Office of Solid Waste and Emergency Response.

[FR Doc. 00–2178 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPP–66275; FRL–6487–5]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request by registrants to voluntarily cancel certain pesticide registrations. The companies that hold the pesticide registrations of pesticide products containing bendiocarb (2,2-dimethyl-1,3-benzodioxol-4-yl methylcarbamate) have asked EPA to cancel their registrations for these products. EPA has identified certain potential risks associated with some of the current uses of bendiocarb as well as many data gaps. Following publication of this Notice and a 30–day public comment period, EPA intends to carry out cancellation in four steps over a period of 24-months, with the residential uses posing the greatest potential exposure to children being phased out earlier than uses that present less exposure. The proposed existing stocks provisions are outlined below.

DATES: Comments must be received on or before March 3, 2000. Following public comment, EPA intends to make the cancellations effective according to the following schedule: June 30, 2000 for bendiocarb technical; October 31, 2000 for end-use products labeled for use in and around homes; and December 31, 2001 for all other products containing bendiocarb.

FOR FURTHER INFORMATION CONTACT: By mail: Diane Isbell, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone number: 703–308–8154; e-mail address: isbell.diane@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. You may potentially be affected by this action if you manufacture, sell, distribute, or use pesticide products containing the active ingredient bendiocarb. Bendiocarb is the common name for an insecticide of the carbamate class; its trade names are Ficam and Turcam. The chemical name for bendiocarb is 2,2-dimethyl-1,3-benzodioxol-4-yl methylcarbamate. AgrEvo Environmental Health and AgrEvo USA Company are the sole technical manufacturers of bendiocarb. Bendiocarb is presently registered in the United States and is used to control household, turf and ornamental plant insects, mosquitoes and fire ants. Specific uses include: household or domestic dwellings (indoor and outdoor), residential and ornamental turf, outdoor recreation areas, nonagricultural buildings and structures, eating establishments, food processing plants, hospitals, warehouses, greenhouses, ornamental plants, aircraft and buses. There are no current registered uses on food crops in the United States; however, there are tolerances for bendiocarb use on spot and/or crack and crevice treatment in food and feed handling establishments (40 CFR 180.530).

Although this action may be of particular interest to persons who produce or use pesticides, 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 information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. 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/. A copy of the bendiocarb reregistration Fact Sheet is available at http://www.epa.gov/oppsrrd1/REDs/factsheets/0409fact.pdf.

2. *Fax on Demand.* You may request to receive a faxed copy of this document and any available information by using a faxphone to call (202) 401–0527 and selecting item number [*insert item number*].

3. *In person.* The Agency has established an official record for this action under docket control number [OPP–66275]. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official 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 official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Highway, 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.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number [OPP–66275] in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall 2, 1921 Jefferson Davis Highway, Arlington, VA. The PIRIB is open from 8 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 comments electronically by E-mail to: ''opp-docket@epa.gov,'' or you can

submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in Wordperfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by the docket control number [OPP–66275]. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

- Explain your views/interests as clearly as possible.
- Describe any assumptions that you used.
- Provide copies of any technical information and/or data you used that support your views.
- Make sure to submit your comments by the deadline in this notice.
- To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action Is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to cancel 23 pesticide products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1, below. The Agency will proceed with the cancellation of the bendiocarb products listed in Table 1, according to the scheduled dates unless the request for voluntary cancellation is withdrawn by AgrEvo Environmental Health and AgrEvo USA Company, a registration is transferred (under the conditions explained below), or substantive comments are received from the public which cause the Agency to reconsider its approach to canceling the AgrEvo bendiocarb registrations. Once an active ingredient is canceled, any person wishing to bring the pesticide back on the market would need to apply to EPA for a ''new chemical'' registration. Such a registration cannot be approved until all applicable data requirements are satisfied.

TABLE 1.—BENDIOCARB REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Intended Effective Date for Cancellation
10370–182	Bendiocarb 20% Wettable Powder	Immediately following comment period
10370–183	Bendiocarb 76% Wettable Powder	Immediately following comment period
10370–185	Bendiocarb Technical 95%	Immediately following comment period
10370–304	Turcam 2.5G Insect Control	Immediately following comment period
4816–703	Wasp and Hornet Killer No. 3	10/31/2000
4816–704	Pyrenone Bendiocarb; Roach & Ant Spray	10/31/2000
4816–711	Bendiocarb 2.4; Butacide 12.0 Manufacturing Concentrate	10/31/2000
45639–1	Ficam W	10/31/2000
45639–2	Bendiocarb Wettable Powder	10/31/2000
45639–3	Ficam D	10/31/2000
45639–6	Bendiocarb Technical	6/30/2000
45639–9	Bendiocarb 1% Dust	10/31/2000
45639–10	Bendiocarb 1% Homeowner Dust	10/31/2000
45639–59	Turcam Insecitcide	12/31/2001
45639–64	Bendiocarb 20% Homeowner Wettable Powder	10/31/2000
45639–66	Ficam Plus	10/31/2000
45639–100	Turcam 2½ G	12/31/2001
45639–102	Ficam ULV Solution	12/31/2001
45639–139	Bendiocarb 1½ G	10/31/2000
45639–148	Turcam Fertilizer	12/31/2001
45639–150	Ficam 2½ G	10/31/2000
45639–151	Turcam Fertilizer GC	12/31/2001
45639–152	Ficam Plus R/S	10/31/2000

The following Table 2 includes the names and addresses of record for all registrants of the products in Table 1, in sequence by EPA company number:

TABLE 2.— REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
4816	AgrEvo Environmental Health, 95 Chestnut Ridge Road, Montvale, NJ 07645
10370	AgrEvo Environmental Health, 95 Chestnut Ridge Road Montvale, NJ 07645
45639	AgrEvo USA Company, Little Falls Centre One, 2711 Centerville Road, Wilmington, DE 19808

The Agency is providing a 30–day comment period, during which the public may submit comments concerning this action. If any person notifies the Agency during the 30–day comment period of an agreement with AgrEvo to transfer one or more of AgrEvo's registrations, EPA will not issue the cancellation order for the affected product(s) provided that the following conditions are met. Within 30 days of notifying the Agency of its intention to transfer a registration, a request for transfer of registration must be submitted to the Agency in accordance with 40 CFR 152.135. If the Agency approves the transfer, the transferee will be regarded as the registrant for all purposes under FIFRA. The new registrant or transferee would be responsible for ensuring all data requirements are satisfied including all outstanding requirements consistent with established deadlines (some of which are approaching the required due date). It should be noted that completion of outstanding data does not in itself guarantee eligibility for reregistration. EPA must also make the relevant regulatory findings required by FIFRA.

III. What is the Agency's Authority for Taking This Action?

Section 6(f)(1)(A) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register** .

Section 6(f)(1)(B) of FIFRA requires that EPA provide a 30–day period in which the public may comment before the Agency may act on the request for voluntary cancellation. In the case of minor agricultural uses, Section 6(f)(1)(C) of FIFRA provides for a 180-day comment period under certain circumstances. The registrants of bendiocarb have requested that EPA provide 30–day's comment on this request. Accordingly, pursuant to section 6(f)(1)(C)(ii) of FIFRA, EPA is waiving the 180-day comment period, to the extent it applies to this action, and will provide interested parties 30 days to comment on the action.

On August 18, 1999, AgrEvo Environmental Health transmitted a letter to the Agency requesting a phased cancellation of all their bendiocarb product registrations. This letter was in response to the Agency's work on the Reregistration Eligibility Decision for bendiocarb, during which the Agency examined potential risk concerns and identified additional data requirements. The registrant decided to voluntarily cancel bendiocarb products rather than generate the additional data that would be required to reregister their bendiocarb products. The registrant has agreed to limit the production of bendiocarb technical for the year 2000 (i.e., from January 1–June 30, 2000) to 95,000 pounds of active ingredient. This limit is based on the average annual production for the last 5 years.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation must submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT,** postmarked before March 3, 2000. This written withdrawal of the request for cancellation will apply only to the applicable FIFRA section 6(f)(1) request listed in this notice. If the product(s) have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling. The withdrawal request must also include a commitment to pay any reregistration fees due, and to fulfill any applicable unsatisfied data requirements.

V. Provisions for Disposition of Existing Stocks

The effective date of cancellation will be the date of the cancellation orders for the individual products subject to this action. In all cases, product-specific disposition dates will be given in the cancellation orders.

Existing stocks are those stocks of registered pesticide products which are currently in the United States and which have been packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

AgrEvo has requested, and EPA intends to approve the following proposal for disposition of existing stocks of bendiocarb products unless the provisions of an earlier order apply:

1. Four product registrations will be canceled immediately following the comment period, because these products have not been marketed in several years. These are:

- Bendiocarb 20% Wettable Powder, EPA Reg. No. 10370–182;
- Bendiocarb 76% Wettable Powder, EPA Reg. No. 10370–183;
- Bendiocarb Technical 95%, EPA Reg. No. 10370–185
- Turcam 2.5G Insect Control, EPA Reg. No. 10370–304.

The registrants may not sell or distribute stocks of this product after the date specified.

2. Bendiocarb technical, EPA Reg. No. 45639–6, will be canceled on June 30, 2000. The registrants may not sell or distribute stocks of this product after the date specified.

3. Bendiocarb end-use products for homeowner and pest control operator use, labeled for indoor or outdoor residential uses (see Table 1) can be sold or distributed by the registrant until October 31, 2000. Pursuant to this proposal, after October 31, 2000, the registrants will not be permitted to sell any of these products.

4. All other bendiocarb end-use products, i.e., those with only non-residential uses (see Table 1), can be sold or distributed by the registrant until December 31, 2001. All bendiocarb products will be canceled as of December 31, 2001.

Persons other than the registrants may distribute, sell or use existing stocks of canceled products listed in paragraphs 1 through 4 above until stocks are depleted. All use of existing stocks of canceled pesticides must be consistent with all EPA-approved labeling for the product.

Under FIFRA section 6(a)(1), EPA may permit the continued sale and use of a canceled pesticide if such sale or use ''is not inconsistent with the purposes of this Act.'' For bendiocarb, the Agency has concluded that the limited short-term continued use of this pesticide, as outlined in this notice, is the most efficient means of addressing both potential risk concerns and providing for the orderly disposition of existing stocks. The Agency's conclusion is based in part on the fact that AgrEvo has agreed to cancel the bendiocarb products used in and around the home (and thus posing the greatest

exposure to children) relatively soon, i.e. by October 31, 2000.

VI. Notification of Intent To Revoke Tolerances

This Notice also announces that the Agency intends to propose revocation of the related tolerances following the cancellation of the uses listed in this Notice unless there is a request to modify or maintain it as an import tolerance. There are no current registered uses for bendiocarb on food crops in the United States; however, there are non-numerical tolerances for its use on spot and/or crack and crevice treatment in food and feed handling establishments (40 CFR 180.530). EPA's reregistration eligibility assessment indicated that substantial additional data would be required to support continued use of bendiocarb on all types of food- and feed-handling establishments, except the food service category of food handling establishments—the only use supported by current data. Also, finite (numerical) tolerances would have to be proposed.

The Agency is willing to consider requests to modify or maintain a tolerance following the cancellation of the accompanying registration. Such request should be sent to the person listed in the **FOR FURTHER INFORMATION CONTACT** above. If EPA receives a request to modify or maintain a tolerance in response to this Notice, the Agency will issue a notice under section 408(f) of FFDCA informing the public of the data required to support the tolerance and stating the time period for submitting the required data. Regardless of whether a tolerance applies solely to domestic food uses or solely to imported foods, the same technical chemistry and toxicology data are required to support tolerances under FFDCA section 408. For pesticide chemicals used in or on food, EPA requires residue chemistry data that are representative of growing conditions in exporting countries in the same manner that the EPA requires representative residue chemistry data from different U.S. regions to support domestic use of the pesticide and the tolerance. Persons supporting the maintenance or modification of tolerances to cover residues in or on imported food have the burden of demonstrating the relevance of any existing domestic data to foreign growing or usage conditions.

If EPA does not receive any indication of a need to retain a tolerance following the cancellation of the registered food use, the Agency will publish in the **Federal Register** a notice proposing to revoke the tolerance. That notice will again give interested parties the opportunity to come forward to support the maintenance of the tolerance.

List of Subjects

Environmental protection, Administrative practice and procedure, Pesticides and pests.

Dated: January 17, 2000.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 00–2283 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6531–3]

Virginia's Continuing Planning Process (CPP)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability and public comment.

SUMMARY: The Environmental Protection Agency (EPA) is providing public notice of the availability of Virginia's Continuing Planning Process (CPP). The following processes, at a minimum, must be described in the CPP: the process for the development of effluent limitations and schedules of compliance at least as stringent as those required by section 301(b)(1), section 301(b)(2), section 306, and section 307 of the Clean Water Act (''CWA'' or ''Act''), and at least as stringent as any requirements contained in any applicable water quality standard in effect under authority of section 303 of the Act; the process for the incorporation of all elements of any applicable areawide waste management plans under section 208 of the Act, and applicable basins plans under section 209 of the Act; the process for developing total maximum daily loads for pollutants in accordance with subsection (d) of section 303 of the Clean Water Act; procedures for revision; the process for adequate authority of intergovernmental cooperation; adequate implementation, including schedules of compliance, for revised or new water quality standards, under subsection (c) of section 303 of the Act; the process for the controls over the disposition of all residual waste from any water treatment processing; the process for developing an inventory and ranking, in order of priority, of needs for construction of waste treatment works required to meet the applicable requirements of sections 301 and 302 of the Clean Water Act.

The public comment period will be open until September 1, 2000. EPA intends to complete its preliminary review and submit comments on the CPP, to Virginia and others, including interested parties requesting a copy of such comments, by May 1, 2000. By November 1, 2000, EPA shall complete its review of Virginia's CPP to determine if it is consistent with the Clean Water Act and its implementing regulations. EPA will provide a summary of its review to Virginia and others, including interested parties requesting a copy of such summary.

DATES: Comments must be received on or before September 1, 2000.

ADDRESSES: Submit comments to Lenka Berlin (3WP13), Water Protection Division, USEPA Region III, 1650 Arch Street, Philadelphia, PA 19103.

FOR FURTHER INFORMATION CONTACT: For a copy of Virginia's Continuing Planning Process contact Lenka Berlin by phone (215–814–5259), fax (215–814–2301), or by email (berlin.lenka@epamail.epa.gov).

Dated: January 20, 2000.

Jon Capacasa,

Director, Water Protection Division, Region III.

[FR Doc. 00–2182 Filed 2–1–00; 8:45 am]

BILLING CODE 6560–50–M

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) being Reviewed by the Federal Communications Commission

January 13, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to

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

DATES: Written comments should be submitted on or before April 3, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 1–C804, 445 12th Street, SW, DC 20554 or via the Internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via the Internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0157.

Title: Section 73.99 Presunrise Service Authorization (PSRA) and Postsunset Service. Authorization (PSSA).

Form Number: N/A.

Type of Review: Extension of currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 200.

Estimated time per response: 0.5 hours (0.25 hours respondent/0.25 hours attorney).

Total annual burden: 50.

Total annual costs: $10,000.

Needs and Uses: Section 73.99(e) requires the licensee of an AM broadcast station intending to operate with a presunrise or postsunset service authorization to submit by letter the licensee's name, call letters, location, the intended service, and a description of the method whereby any necessary power reduction will be achieved. Upon submission of this information, operation may begin without further authority. The letter is used by FCC staff to maintain complete technical information about the station to ensure that the licensee is in full compliance with the Commission's rules and will not cause interference to other stations.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2237 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Being Submitted to OMB for Review and Approval

DATED: January 20, 2000.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before March 3, 2000. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Les Smith, Federal Communications Commission, Room 1–A804, 445 12th Street, S.W., Washington, DC 20554 or via the Internet to lesmith@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collections contact Les Smith at (202) 418–0217 or via the Internet at lesmith@fcc.gov.

SUPPLEMENTARY INFORMATION: *OMB Control Number:* 3060–0035.

Title: Application for Renewal of Auxiliary Broadcast License (Short Form).

Form Number: FCC 313 R.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents: 50.

Estimated Time Per Response: 0.5 hours.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 25 hours.

Total Annual Costs: $2,250.

Needs and Uses: FCC Form 313 R is used by licensees of remote pickup and low power stations that are not broadcast licensees (*e.g.*, cable operators, network entities, international broadcast services, motion picture producers, and television producers) to renew their auxiliary broadcast license. Statutory authority for this information collection is contained in Section 307 of the Communications Act; it is also required by 47 CFR 73.3500 and 73.3539. The Commission intends to revise the application to include a place for the applicant to provide a fax number and to delete payment information and Taxpayer ID Number, since any feeable application must also file FCC Form 159 (Fee Remittance Advice) which provides this information too.

OMB Control Number: 3060–0107.

Title: Private Radio Application for Renewal, Reinstatement, and/or Notification of Change to License Information.

Form Number: FCC 405 A.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Government.

Number of Respondents: 1,500.

Estimated Time Per Response: 20 minutes.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 495 hours.

Total Annual Cost: $80,000.

Needs and Uses: FCC rules require that radio station licensees renew their PMRS (Private Mobile Radio Service) radio station authorization every five years or their CMRS (Commercial Mobil Radio Service) radio station authorization every ten years. Data are used to update the existing database and make efficient use of the frequency spectrum. Data are also used by the Compliance Bureau staff in conjunction with field engineers for enforcement and interference resolutions. The data collected are required by the Communications Act of 1934, as amended, international treaties, and FCC Rules, 47 CFR 1.926, 90.119, 90.135, and 90.157. FCC Form 405 A has been revised to delete the payment information. This information is already required on FCC Form 159 (Fee

Remittance Advice), and applicants must file both forms when fees are due. The collection is also being revised to delete reference to General Mobile Radio Service use of the form. This radio service has been converted to ULS and will no longer use FCC Form 405 A.

OMB Control Number: 3060–0127.

Title: Assignment of Authorization.

Form Number: FCC 1046.

Type of Review: Revision of currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit Institutions; and State, Local, or Tribal Governments.

Number of Respondents: 3,000.

Estimated Time Per Response: 5 minutes.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 249 hours.

Total Annual Cost: None.

Needs and Uses: FCC Form 1046 is required by the Communications Act, international treaties, and FCC Rules, 47 CFR 1.922, 1.924, 80.19, 87.21, and 90.119. To assign authorization of radio station to another entity, the assignor must, in writing, assign all rights, title, and interest of the authorization to the other entity. The Commission uses the data to determine if assignment of authorization submitted with the application will meet the rule requirements for issuance of a station authorization. Form FCC 1046 is being revised to delete the reference to Microwave Radio Services use of the form, reducing the number of respondents from 6,000 to 3,000. Microwave Services have been converted to ULS and will use FCC Form 603 for assignment of authorization.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2142 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

Technological Advisory Council; Meeting

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons of the fourth meeting of the Technological Advisory Council (''Council''), which will be held at the Federal Communications Commission in Washington, DC.

DATES: Friday, March 24, 2000, at 10:00 a.m.

ADDRESSES: Federal Communications Commission, 445 12th St. S.W., Room TW–C305, Washington DC 20554.

FOR FURTHER INFORMATION CONTACT: Contact David Farber at dfarber@fcc.gov or 202–418–2046.

SUPPLEMENTARY INFORMATION: The Council was established by the Federal Communications Commission to provide a means by which a diverse array of recognized technical experts from a variety of interests such as industry, academia, government, citizens groups, etc., can provide advice to the FCC on innovation in the communications industry.

The purpose of the meeting will be to hear and discuss the progress of the three focus groups established by the Council to consider the issues the FCC presented to it at its April 30, 1999 meeting. These issues include: (1) The current state of the art for software defined radios, cognitive radios, and similar devices, future developments for these technologies, ways that the availability of such technologies might affect the FCC's traditional approaches to spectrum management, and the current state of knowledge of electromagnetic noise levels and the effects of such noise on the reliability of existing and future communications systems; (2) the current technical trends in telecommunications services, changes that might decrease, rather than increase, the accessibility of telecommunications services by persons with disabilities, and ways the FCC might best communicate to designers of emerging telecommunications network architectures the requirements for accessibility; and (3) the telecommunications common carrier network interconnection scenarios that are likely to develop, including the technical aspects of cross network (*i.e.*, end-to-end) interconnection, quality of service, network management, reliability, and operations issues, as well as the deployment of new technologies such as dense wave division multiplexing and high speed packet/cell switching. The three focus groups will also report on their progress in implementing the suggestions for continued investigation of these issues presented to them at the September 22, 1999 and December 13, 1999 meetings. The Council may also consider such other issues as come before it.

Members of the general public may attend the meeting. The Federal Communications Commission will attempt to accommodate as many persons as possible. However, admittance will be limited to the seating available. There will be no public oral participation, but the public may submit written comments to David Farber, the Council's Designated Federal Officer, before the meetings.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2238 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2384]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

January 24, 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 17, 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 Cable Television Consumer Protection and Competition Act of 1992 (CS Docket Nos. 98–82, 96–85), Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996, Review of the Commission's Cable Attribution Rules.

Number of Petitions Filed: 1.

Subject: Implementation of Section 11(C) of the Cable Television, (MM Docket No. 92–264), Consumer Protection and Competition Act of 1992, Horizontal Ownership Limits.

Number of Petitions Filed: 1.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 00–2145 Filed 2–1–00; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

PREVIOUSLY ANNOUNCED DATE AND TIME: Thursday, February 3, 2000, 10:00 a.m., Meeting open to the public.

The following items were added to the agenda:

1996 Democratic National Convention Committee, Inc.—Administrative Review of Repayment Determination, Proposed Statement of Reasons (LRA#471).

1996 Republican National Convention Committee on Arrangements—Administrative Review of Repayment Determination, Proposed Statement of Reasons (LRA#472).

Express Advocacy Rule (11 CFR 100.22).

DATE AND TIME: Tuesday, February 8, 2000 at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C.

STATUS: This Meeting Will Be Closed to the Public.

ITEMS TO BE DISCUSSED: Compliance matters pursuant to 2 U.S.C. § 437g.

Audits conducted pursuant to 2 U.S.C. § 437g, § 438(b), and Title 26, U.S.C.

Matters concerning participation in civil actions or proceedings or arbitration.

Internal personnel rules and procedures or matters affecting a particular employee.

DATE AND TIME: Wednesday, February 9, 2000, at 10:00 a.m.

PLACE: 999 E Street, N.W., Washington, D.C. (Ninth Floor).

STATUS: This Meeting Will Be Open to the Public.

ITEMS TO BE DISCUSSED: Correction and Approval of Minutes.

Advisory Opinion 1999–37: X–PAC, The Political Action Committee for Generation X, Michael J. Panetta, Executive Director.

Administrative Matters.

PERSON TO CONTACT FOR INFORMATION: Mr. Ron Harris, Press Officer, Telephone: (202) 694–1220.

Mary W. Dove,

Acting Secretary of the Commission.

[FR Doc. 00–2435 Filed 1–31–00; 3:00 pm]

BILLING CODE 6715–01–M

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 25, 2000.

A. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision), 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. Citizens, Incorporated, Butler, Pennsylvania; to acquire up to 10 percent of the voting shares of Bay National Corporation, Lutherville, Timonium, Maryland, and thereby indirectly acquire voting shares of Bay National Bank, Lutherville, Timonium, Maryland.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer), 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. Capitol Bancorp, Ltd., Lansing, Michigan; Sun Community Bancorp Limited, Phoenix, Arizona; and Sunrise Capital Corporation, Albuquerque, New Mexico; to acquire 51 percent of the voting shares of Sunrise Bank of Albuquerque (in organization), Albuquerque, New Mexico.

C. Federal Reserve Bank of Kansas City (D. Michael Manies, Assistant Vice President), 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. NorthStar Bancshares, Inc., Riverside, Missouri; to become a bank holding company by acquiring 100 percent of the voting shares of NorthStar Bank, N.A., Kansas City, Missouri (a de novo bank).

Board of Governors of the Federal Reserve System, January 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–2196 Filed 2–1–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Notice of Proposals To Engage in Permissible Nonbanking Activities or To Acquire Companies that Are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225), to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than February 16, 2000.

A. Federal Reserve Bank of New York (Betsy Buttrill White, Senior Vice President), 33 Liberty Street, New York, New York 10045–0001:

1. Canadian Imperial Bank of Commerce, The CIBC World Markets Corporation, and CIBC World Markets Inc., all of Toronto, Canada, and CIBC Delaware Holdings, Inc., New York, New York; to acquire St. Anthony Bank, F.S.B., Cicero, Illinois, and thereby engage in operating a federal savings bank, pursuant to § 225.28(b)(4) of Regulation Y. Comments regarding this application must be received not later than February 25, 2000.

B. Federal Reserve Bank of Cleveland (Paul Kaboth, Banking Supervision), 1455 East Sixth Street, Cleveland, Ohio 44101–2566:

1. Fifth Third Bancorp, Cincinnati, Ohio; to engage *de novo* through its

subsidiary, Fifth Third Capital Funding, LLC, Cincinnati, Ohio, in certain commercial lending activities, pursuant to § 225.28(b)(1) of Regulation Y; see NationsBank Corp., 80 Fed. Res. Bull. 154 (1994); and Wells Fargo & Company, 82 Fed. Res. Bull. 165 (1996).

Board of Governors of the Federal Reserve System, January 27, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–2197 Filed 2–1–00; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Board of Governors of the Federal Reserve System.

TIME AND DATE: 11:00 a.m., Monday, February 7, 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 items 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 28, 2000.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 00–2319 Filed 1–28–00; 4:35 pm]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Notice of Interest Rate on Overdue Debts

Section 30.13 of the Department of Health and Human Services' claims collection regulations (45 CFR Part 30) provides that the Secretary shall charge an annual rate of interest as fixed by the Secretary of the Treasury after taking into consideration private consumer rates of interest prevailing on the date that HHS becomes entitled to recovery. The rate generally cannot be lower than the Department of Treasury's current value of funds rate or the applicable rate determined from the ''Schedule of Certified Interest Rates with Range of Maturities.'' This rate may be published quarterly by the Department of Health and Human Services in the **Federal Register**.

The Secretary of the Treasury has certified a rate of 13½% for the quarter ended December 31, 1999. This interest rate will remain in effect until such time as the Secretary of the Treasury notifies HHS of any change.

Dated: January 27, 2000.

George Strader,

Deputy Assistant Secretary, Finance.

[FR Doc. 00–2236 Filed 2–1–00; 8:45 am]

BILLING CODE 4150–04–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration on Aging

[Program Announcement No. AoA–00–01]

Fiscal Year 2000 Program Announcement; Availability of Funds and Notice Regarding Applications

AGENCY: Administration on Aging, HHS.

ACTION: Announcement of availability of funds and request for applications to carry out new cooperative agreement awards to train retired persons to serve in their communities as volunteer expert resources and educators in combating health care waste, fraud and abuse.

SUMMARY: The Administration on Aging (AoA) announces that under this program announcement it will hold a competition for new ''Senior Medicare Patrol Projects'' that demonstrate effective ways of utilizing retired persons as volunteer expert resources and educators in community efforts to combat health care waste, fraud and abuse. The deadline date for the submission of applications for new awards is March 31, 1999.

Public and/or nonprofit agencies, organizations, and institutions are eligible to apply under this program announcement. However, consistent with the terms of the Consolidated Appropriations Act for FY 2000 (Pub. L. 106–113), preference will be given in the making of new cooperative agreement awards to projects that will be carried out by consortia headed by community-based public or nonprofit agencies or organizations. In addition, the AoA plans to make continuation awards to ''Senior Medicare Patrol Projects'' in 26 jurisdictions—Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, District of Columbia, Delaware, Florida, Georgia, Idaho, Indiana, Maine, Massachusetts, Michigan, Montana, Nevada, New Mexico, Ohio, Oklahoma, Oregon, Puerto Rico, Texas, Utah, Virginia, and Washington. No new awards will be made in these states under this Program Announcement. Rather, they are eligible for continuation funding.

Application kits are available by writing to the Department of Health and Human Services, Administration on Aging, Office of Governmental Affairs and Elder Rights, 330 Independence Avenue, S.W., Room 4748, Washington, DC 20201, telephone: (202) 619–3775 or (202) 619–3951.

Dated: January 24, 2000.

Jeanette C. Takamura,

Assistant Secretary for Aging.

[FR Doc. 00–2235 Filed 2–1–00; 8:45 am]

BILLING CODE 4154–01–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 64 FR 59774, dated November 3, 1999) is amended to reflect the establishment of the Division of Applied Research and Technology by merging the Division of Biomedical and Behavioral Science and the Division of Physical Sciences and Engineering, National Institute for Occupational Safety and Health (NIOSH).

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in their entirety the titles and functional statements for the *Division of Biomedical and Behavioral Science (CC7)* and the *Division of Physical Sciences and Engineering (CC8)* and insert the following:

Division of Applied Research and Technology (CC9). (1) Provides national and international leadership for the prevention of occupational injury and illness through applied research; (2) conducts laboratory research, field studies, and demonstrations to develop and/or evaluate engineering control technology for biological, chemical, physical, and ergonomic hazards; (3) conducts laboratory research, field studies, and demonstrations to develop and/or evaluate work organization or work redesign prevention strategies to eliminate or minimize workplace injury and illness and to facilitate the development of health workplaces; (4) conducts research and demonstration projects to evaluate and improve the effectiveness of occupational health services, and to determine the social and economic burden of occupational illnesses and injuries, and the benefits of interventions; (5) develops, evaluates, and utilizes methods for the measurement of exposures, worker sensitivity to occupational hazards, and detection of the precursors of, or presence of, disease or illness; (6) serves as a resource to researchers who may require division expertise in their field or laboratory research.

Monitoring Research and Statistics Activity (CC92). (1) Plans and conducts laboratory and worksite research to develop, evaluate, or improve aerosol science and its associated technology, and direct-reading instruments and monitoring devices for aerosols; (2) plans and conducts research in statistics as applied to sampling and analytical methods, work organization, intervention effectiveness, and control technologies; (3) develops and evaluates criteria for the recommendation of new or improved monitoring instruments and monitoring techniques; (4) provides statistics support for research projects within the Division; (5) provides technical assistance within NIOSH in the application of new and improved monitoring systems.

Biomonitoring and Health Assessment Branch (CC93). (1) Plans and conducts laboratory and worksite research on the assessment of workers' exposures or effects of exposures, through the analysis of various human tissues and fluids; (2) partners in intervention or prevention studies in which exposure or effect of exposure is assessed through biomonitoring; (3) evaluates worker sensitivity factors that may impact the result of a hazardous exposure; (4) provides technical assistance and consultation to the Institute, other governmental agencies, private industry, and organized labor regarding the toxicologic aspects of workers' response to the etiologic agents in the occupational setting; (5) provides bviomonitoring and health assessment consultation and analyses for health hazard evaluations, epidemiologic, intervention and prevention, environmental measurement and other investigations.

Biological Monitoring Laboratory Section (CC932). (1) Develops and applies new and existing biological monitoring analytical methods to assess worker exposure or body burden to toxic chemicals to evaluate the effectiveness of engineering controls or other exposure reduction/prevention measures; (2) provides analytical and biological monitoring consultation for field and experimental investigations; (3) plans and conducts laboratory research to develop immunochemical methods for determining early health effects arising from occupational exposure; (4) works in partnership with NIOSH partners and stakeholders in planning and conducting studies in specialized areas, such as biological monitoring.

Molecular and Genetic Monitoring Section (CC933). (1) Develops and employs sophisticated and sensitive molecular and biochemical techniques to assess exposure to occupational toxicants; (2) identifies, evaluates, and utilizes biomarkers of exposure and biomarkers of effect of exposure that can be utilized as early indicators of toxic response to aid in the prevention and control of occupational disease; (3) develops and utilizes methods to determine potential differences in workers' sensitivity in response to exposure to occupational toxicants; (4) works in partnership with NIOSH partners and stakeholders in planning and conducting studies in specialized areas, such as biomarker research.

Reproductive Health Assessment Section (CC934). (1) Develops, modifies, and employs laboratory and clinical measures of human health surveillance and field study investigations of workplace hazards; (2) plans and conducts the laboratory portion of health assessments with other NIOSH staff involved in health hazard evaluations and epidemiologic studies of reproductive health and endocrine function; (3) works in partnership with NIOSH partners and stakeholders in planning and conducting studies of reproductive health and endocrine function.

Chemical Exposure and Monitoring Branch (CC94). (1) Conducts research that develops, improves, and evaluates analytical methods for the determination of toxic materials, their products, and other significant hazards found in the workplace, in the physical environment, and in industrial and biologic materials; (2) provides industrial hygiene measurement consultation and specialty analyses to NIOSH research though in-house and contract laboratories; (3) provides expert consultation regarding science and analytical methods to assist in the development of occupational health documents and exposure standards; (4) conducts research to improve, evaluate, and establish performance requirements for direct reading instrumentation used in the evaluation and prevention of exposures to hazardous levels of chemical agents; (5) provides validation procedures for sampling and analytical methods; (6) provides special consultation to elements of NIOSH and other government agencies; (7) disseminates the information gained during research on sampling and analytical methods by publications in the peer reviewed literature and in the NIOSH Manual of Analytical Methods.

Analytical Chemistry Section (CC942). (1) Conducts research in response to requests from field researchers for the development of new sampling and analytical methods for the detection and quantitation of chemical substances found in the workplace; (2) conducts research to revise/update sampling and analytical methods contained in the NIOSH Manual of Analytical Methods; (3) provides expert consultation on industrial hygiene sampling and analytical chemistry to assist NIOSH investigators in planning field surveys as well as other government agencies and private industry; (4) provides chemical analyses for NIOSH researchers through laboratory contracts and specialty analyses through the in-house laboratories.

Analytical Methods Development Section (CC943). (1) Conducts research that develops, evaluates and improves sampling and analytical methods for the detection and determination of substances and their mixtures found in the workplace, in industrial processes and products, and in environmental samples; (2) conducts research to develop and evaluate instrumentation/techniques for field-portable analytical methods; (3) provides expert consultation in industrial hygiene sampling and analytical chemistry to

private industry, consensus standard setting organizations, other government agencies and to elements of NIOSH; (4) provides critical review of chemistry aspects of documents and standards, recommending appropriate sampling and analytical methods.

Qualitative Methods and Complex Mixtures Section (CC944). (1) Conducts research to develop, evaluate, and improve methods for quantitative and qualitative analysis of chemicals and complex mixtures found in the workplace, in industrial processes and products, and in environmental samples; (2) provides qualitative and quantitative analysis of industrial hygiene samples from NIOSH field studies by means of chromatographic/spectrometric analysis; (3) provides expert consultation in chemical analysis to other government agencies and to elements of NIOSH; (4) provides critical review of chemical aspects of criteria documents and standards, and recommends appropriate sampling and analytical methods.

Engineering and Physical Hazards Branch (CC95). (1) Plans and conducts worksite and laboratory research to identify, evaluate, develop and implement technology to prevent workers' exposures to chemical, biological, and physical agents and reduce risks for traumatic and repetitive injuries; (2) plans and conducts worksite and laboratory research to identify hazards and engineering controls related to emerging technologies and changing work environments, including the application of substitution, isolation, and ventilation technology to reduce hazardous exposures; (3) plans and conducts laboratory and worksite research to minimize occupational noise exposures and to develop strategies to prevent occupational hearing loss; (4) plans and conducts worksite and laboratory research on occupational health risks resulting from workers' exposures to physical, chemical, and biological agents; (5) develops or evaluates new or improved instruments and exposure assessment techniques, evaluates criteria for the recommendation of such instruments or techniques, and promotes the transfer of widespread application of effective engineering control measures for safeguarding workers' health; (6) provides expert consultation to elements of NIOSH, other agencies, and external partners, in the application of new and improved techniques for hazard prevention and engineering control for the formulation of effective and credible workplace standards.

Control Technology Section (CC952). (1) Conducts laboratory and worksite research to assess potential occupational health problems resulting from workers' exposures to chemical, biological, and ergonomic hazards; (2) conducts laboratory and worksite research in substitution, isolation, and ventilation technology; (3) conducts laboratory and worksite research for controlling potential hazards in emerging technologies and changing workplace environments; (4) provides engineering expertise in formulating effective and feasible workplace standards; (5) provides technical consultation to other elements of NIOSH and external partners in the application of new and improved techniques for hazard prevention.

Engineering Assessment Section (CC953). (1) Plans and conducts worksite research to assess, demonstrate, or develop engineering control techniques for hazardous materials, industries, or processes; (2) plans and conducts field research in partnership with other NIOSH divisions and industry; (3) promotes the transfer and widespread application of effective preventive engineering control measures for safeguarding worker health; (4) provides engineering expertise in formulating effective and feasible workplace standards; (5) provides technical consultation to other elements of NIOSH and external partners in the application of new and improved techniques for hazard prevention.

Hearing Loss Prevention Section (CC954). (1) Plans and conducts laboratory and worksite research in hearing loss prevention that encompasses the study of basic etiology, control technology, personal protective equipment, and intervention effectiveness; (2) collects and evaluates data fundamental to defining primary health risk criteria and specifying standards for preventing hearing loss from exposures to physical agents, such as noise, vibration, and heat, as well as from exposures to ototoxic chemical agents; (3) assesses impact of noise on communication and environmental awareness, which may create safety hazards, and develops ameliorative methods; (4) studies and develops methods pertinent to hearing-impaired workers for assessing communication handicap, for developing hearing protection strategies, for defining hearing critical jobs, and for remediating hearing loss with rehabilitation, including amplification; (5) evaluates, develops, and implements instrumentation, methodologies, and techniques for measurement, control, and programmatic intervention demanded by the research effort; (6) maintains liaison and cooperates with other organizational components of NIOSH, Federal, State, local, and international agencies on problems associated with potential health and other occupational hazards that result from exposure to noise and other ototoxic agents, and provides technical assistance as necessary.

Nonionizing Radiation Section (CC955). (1) Plans and conducts laboratory and worksite research on occupational health risks resulting from workers' exposures to nonionizing radiation, including those hazards produced by emerging technologies; (2) develops and evaluates techniques, instrumentation, and methodologies for measurement and evaluation of worker exposures to nonionizing radiation which present a potential health hazard; (3) develops occupational health and safety criteria and procedures for reducing nonionizing radiation exposures associated with risks of adverse health effects; (4) develops and evaluates controls, methodologies, and practices for minimizing exposures to nonionizing radiation; (5) provides expert consultation to other components of NIOSH, other agencies and external partners in dealing with problems associated with potential hazards resulting from nonionizing radiation exposures.

Engineering Development Section (CC956). (1) Plans and conducts worksite and laboratory research to assess, demonstrate, or develop engineering control techniques for hazardous materials, industries, or processes; (2) conducts computational fluid dynamics (CFD) for design and evaluation of workplace controls; (3) promotes the transfer and widespread application of effective preventive engineering control measures for safeguarding worker health; (4) provides engineering expertise in formulating effective and feasible workplace standards; (5) provides technical consultation to other elements of NIOSH and external partners in the application of new and improved techniques for hazard prevention; (6) provides maintenance and calibration of field and laboratory equipment.

Organizational Science and Human Factors Branch (CC96). (1) Conducts applied laboratory and worksite research on organizational and ergonomic interventions to prevent occupational illness and injury, including physical, neurobehavioral, and psychological disorders, and the economic, social, and organizational burdens associated with these outcomes. Organizational and

ergonomic topics of study include management, supervisory, and employment practices; worker demographics and special populations; job, tool, and environmental design; design of health and safety services; and the interaction of these conditions. The scope of research includes (a) etiologic and health effects studies to serve as the basis for intervention strategies; (b) design and testing of prototype interventions in laboratory and controlled environments, and collaboration with external partners and organizations to field test and validate, and disseminate intervention techniques; (c) methodological research to better characterize exposures, outcomes, and their relationships; (2) provides technical assistance to other NIOSH and governmental units and to private organizations in the investigation of organizational and ergonomic stressors in the workplace and in the design and testing of prevention measures; (3) develops and disseminates scientific and technical reports on organizational and physical risk factors at work, and intervention strategies.

Human Factors and Ergonomics Research Section (CC962). (1) Plans and conducts integrated laboratory and field studies to develop and evaluate ergonomic interventions for preventing musculoskeletal injuries, neurobehavioral illnesses, fatigue, and social, economic and other losses resulting from exposure to physical, environmental and organizational stressors at work; (2) plans and conducts etiologic studies to provide the foundation for the development of ergonomic interventions, including laboratory and worksite research to assess the individual and interactive effects of physical stressors (excessive force, posture, etc.) and organizational stressors (e.g., long work hours, time pressure) on occupational injury and illness risk: (3) plans and conducts research leading to improved methods for exposure assessment to physical stressors and characterizing dose-response relationships; (4) provides assistance to other organizational units of NIOSH and to other Federal agencies in the assessment and prevention of risk for occupational injury and illness.

Health Services Research Section (CC963). (1) Plans and conducts research to evaluate and improve the effectiveness of occupational health care services, including access to and utilization of health care services, availability of trained health professionals and providers, and efficacy and efficiency of care; (2) conducts intervention research (intervention development, demonstration, and effectiveness research) to evaluate occupational health services and occupational health delivery systems and programs, including the social, economic, and organizational benefits of these services and programs; (3) provides technical assistance and collaborates with external organizations, including academia, industry, labor, and health care provider organizations in the implementation, evaluation and promotion of innovative occupational health services and occupational safety and health programs; (4) conducts research to evaluate the economic and social outcomes of occupational illnesses and injuries, and the benefits of interventions.

Work Organization and Stress Research Section (CC964). (1) Plans and conducts laboratory and field studies to characterize organizational stressors in the workplace and worker demographic factors such as race, ethnicity, gender, culture, age, etc., to study the effects and interactive effects of these variables on stress, illness, injury, and disability, and on social, economic and family outcomes, and to develop and test intervention strategies; (2) conducts survey studies to identify emerging work organization risk factors and related developments (new organizational structures and process changing employment relationships such as contingent labor arrangements, increasing workforce diversity and changing worker demographics) and investigate their effects on worker health, injury and other outcomes; (3) collaborates with external organizations to develop field-test and disseminate work organization, workforce development, and related interventions that promote worker health, safety, and other desirable outcomes; (4) provides technical assistance inside and outside of NIOSH in the conduct of etiologic and intervention studies addressing work organization and related factors.

Dated: January 18, 2000.

Jeffrey P. Koplan,

Director.

[FR Doc. 00–2212 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–18–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99N–4202]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use—Form FDA 356h

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by March 3, 2000.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: JonnaLynn P. Capezzuto, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–4659.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Application to Market a New Drug, Biologic, or an Antibiotic Drug for Human Use; Form FDA 356h (OMB Control Number 0910–0338)—Extension

FDA is the Federal agency charged with the responsibility for determining that drugs, including antibiotic drugs, and biologics are safe and effective. Manufacturers of a drug, or biologic for human use must file applications for FDA approval of the product prior to introducing it into interstate commerce. Statutory authority for the collection of this information is provided by section 505(a), (b), and (j) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(a), (b), and (j)) and section 351 of the Public Health Service Act (the PHS Act) (42 U.S.C. 262). Manufacturers of new drugs for human use regulated under the act must submit

a new drug application (NDA) for review and approval to the Center for Biologics Evaluation and Research (CBER) or the Center for Drug Evaluation and Research (CDER) prior to marketing a drug in interstate commerce (§ 314.50 (21 CFR 314.50)). Manufacturers of generic drugs regulated under the act must submit an abbreviated new drug application (ANDA) for review and approval to CDER prior to marketing a generic drug in interstate commerce (§ 314.94 (21 CFR 314.94)). Manufacturers of biological products regulated under the PHS Act must submit an establishment license application (ELA) and a product license application (PLA) or biologics license application (BLA) for review and approval to CBER prior to marketing a biological product in interstate commerce (§ 601.2 (21 CFR 601.2)). Blood and blood components fall within the category of biological products. All establishments collecting and/or preparing blood and blood components for sale or distribution in interstate commerce are subject to the licensing application provisions of section 351 of the PHS Act. Applicants are required to report to FDA any transfer of ownership of an NDA (21 CFR 314.72). Applicants are required to report a change in ownership of an ANDA (21 CFR 314.99(a)). Manufacturers of a drug or biologic for human use are required to file supplemental applications for certain changes to applications previously approved (§§ 314.70, 314.71, 314.97, and 601.12 (21 CFR 314.70, 314.71, 314.97, and 601.12)). The form is also submitted with an amendment to an unapproved original application or supplemental application, and a presubmission or resubmission of information pertaining to an application. The information provided by manufacturers with the application form is necessary for FDA to carry out its mission of protecting the public health and helping to ensure that drugs and biologics for human use have been shown to be safe and effective. Form FDA 356h was developed initially as a checklist to assist manufacturers in filling out a drug application and has been previously used only by manufacturers of products regulated under the act. In the **Federal Register** of July 8, 1997 (62 FR 36558), FDA announced the availability of the revised Form FDA 356h. The form was revised as a ''Reinventing Government'' initiative to harmonize application procedures between CBER and CDER. The application form serves primarily as a checklist for firms to gather and submit to the agency studies and data that have been completed. The checklist helps to ensure that the application is complete and contains all the necessary information, so that delays due to lack of information may be eliminated. The form provides key information to the agency for efficient handling and distribution to the appropriate staff for review. For biologics manufacturers, the form will replace a number of different ELA and PLA forms that were formerly used for these products. The information collection burden for various ELA and PLA forms is covered under OMB Control No. 0910–0124. There are an estimated 343 licensed biologics manufacturers. However, not all manufacturers will have any submissions in a given year and some may have multiple submissions. The annual responses are based on submissions received by FDA in 1998. The time estimated to prepare an ELA, PLA, or BLA under § 601.2 for CBER approval to market a new product is based on information provided by industry. The time required for preparing an ELA, PLA, or BLA includes the estimate for filling out the form. The estimated average burden hours for the other submissions using Form 356h to CBER is based on past FDA experience and includes the time to fill out the form and collate the documentation. The average burden hours also include the time to prepare an amendment submitted to CBER. The estimated burden hours to prepare a supplement to CBER (§ 601.12) are reported under OMB Control No. 0910–0315.

In the **Federal Register** of October 21, 1999 (64 FR 56797), the agency requested comments on the proposed collections of information. No significant comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN FOR BIOLOGICS [1]

21 CFR Section/FDA form	No. of respondents	Total annual responses	Hours per response	Total hours
601.2	343	84	1,600	134,400
Form FDA 356h	343	4,947	16	79,152
Total				213,552

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

There are 483 drug applicants that submitted the form. The annual responses are based on submissions received by FDA in 1997 and 1998. The estimated average burden hours for the submissions using Form 356h to CDER is based on past FDA experience and includes the time to fill out the form and collate the documentation. The estimated burden hours to prepare an NDA (§ 314.50); an ANDA (§ 314.94); supplements (§§ 314.70, 314.71, and 314.97); and amendments (21 CFR 314.60 and 314.96) are approved under OMB Control No. 0910–0001.

FDA estimates the burden of this collection of information as follows:

TABLE 2.—ESTIMATED ANNUAL REPORTING BURDEN FOR HUMAN DRUGS [1]

FDA form	No. of respondents	Total Annual responses	Hours per response	Total hours
Form FDA 356h	483	16,221	24	389,304
Total				389,304

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Dated: January 24, 2000.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 00–2150 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0186]

Medical Devices; Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance 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 ''Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance Requirements.'' This guidance is final and is in effect at this time. Metallic plasma spray coatings, both porous and non-porous, and metallic sintered or diffusion bonded porous coatings are used to attach artificial joints to living bone. FDA's Center for Devices and Radiological Health (CDRH) is issuing this guidance to identify a set of testing methods that can be used to accurately evaluate the mechanical properties of the various types of coatings. CDRH will use such data to identify which coated hip devices should remain subject to postmarket surveillance requirements.

DATES: Submit written comments at any time.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for single copies on a 3.5″ diskette of the guidance document entitled ''Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance Requirements'' to the Division of Small Manufacturers Assistance (HFZ–220), Center for Devices and Radiological, 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. Submit written comments on this guidance document to David L. Daly (address below).

FOR FURTHER INFORMATION CONTACT: David L. Daly, Center for Devices and Radiological Health (HFZ–510), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, 301–594–3674.

SUPPLEMENTARY INFORMATION:

I. Background

On February 21, 1992, FDA sent a letter order to petitioner, Richards Medical Co., reclassifying the hip joint, metal/polymer/metal, semi-constrained, porous-coated uncemented prosthesis from class III (Premarket Approval) into class II (Special Controls). The reclassification was published in the **Federal Register** of January 8, 1993 (58 FR 3227). The reclassification was effective February 21, 1992. On February 15, 1994, CDRH's Orthopedic and Rehabilitation Devices Branch (ORDB) determined that hip prostheses using plasma sprayed porous coatings for biological fixation can be substantially equivalent to the reclassified porous coated hip prosthesis. As part of the decision, CDRH, using the then existing authority of section 522(a)(1)(C) of the Federal Food, Drug, and Cosmetic Act, required manufacturers of plasma spray porous coated hip prostheses to conduct postmarket surveillance of their devices. Postmarket surveillance was required because of CDRH's concern that reported differences between the mechanical properties, particularly abrasion resistance, of plasma sprayed coatings and sintered and diffusion bonded porous coatings could have an adverse effect on the long-term revision rate of the plasma sprayed devices. While CDRH has clinical data describing the long-term revision rate of sintered and diffusion bonded porous coated hip prostheses, CDRH does not have this type of data on the cementless use of plasma sprayed hip prostheses. The postmarket surveillance consisted of prospective, long-term, followup of a population of patients who have received cementless implantation of the manufacturer's plasma sprayed porous coated hip prosthesis. The objective of the patient followup was to determine the long-term revision rate for each plasma sprayed porous coated hip prosthesis.

At the time postmarket surveillance was required, CDRH believed that the term ''plasma spray'' was a single manufacturing technique that produced a single form of coating, having a single set of metallurgical and mechanical properties. CDRH now recognizes that plasma spray manufacturing methods are a subset of the larger ''thermal spray'' group of metallic coating production methods. CDRH has come to recognize that thermal spray coating methods can produce coatings with a wide range of metallurgical and mechanical properties. As an example, CDRH originally believed that, when used to apply metallic coatings to hip prostheses, plasma spray manufacturing techniques produced only porous coatings. CDRH now also recognizes that hip prostheses with non-porous metallic coatings can be manufactured by plasma spray and other thermal spray methods.

Several manufacturers, using a variety of thermal spray coating methods, have received substantial equivalence decisions for their coated hips. A number of these manufacturers have sought reconsideration of CDRH's decision to require postmarket surveillance of their products. Several of the requests for reconsideration are, in part, based on claims that manufacturing technology permits the production of plasma sprayed coatings with mechanical properties, particularly abrasion resistance, equal to or better than those of the sintered or diffusion bonded porous coatings upon which the reclassification was based. In response to the requests for reconsideration, CDRH, on February 22, 1999, reissued a draft guidance document describing testing methods that CDRH believed could measure the mechanical properties of plasma sprayed coatings. Several comments on the draft guidance document were received. CDRH has considered those comments and is now issuing this guidance as final guidance that is effective immediately.

Some comments on the draft guidance document included mechanical test data on different thermal spray coatings, both porous and non-porous. These data indicate that thermal spray coatings can have mechanical properties greater than, less than, or almost equal to those of sintered or diffusion bonded porous coatings. CDRH does not believe that postmarket surveillance is necessary for hip prostheses whose coatings have mechanical properties, particularly abrasion resistance, equal to or better than sintered or diffusion bonded porous coatings. As a result, CDRH is now inviting those manufacturers who have received postmarket surveillance orders to apply for reconsideration of those orders. CDRH will, on a case by case basis, reevaluate the need for manufacturers to conduct postmarket surveillance of their metallic thermal spray coated hip prostheses.

II. Significance of Guidance

This guidance document represents the agency's current thinking on what data are necessary to support reconsideration of the thermal spray coated hip prosthesis postmarket surveillance 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.

III. Electronic Access

In order to receive ''Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance 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 second voice prompt press 2, and then enter the document number (946) 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 ''Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance 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. ''Guidance for Industry on the Testing of Metallic Plasma Sprayed Coatings on Orthopedic Implants to Support Reconsideration of Postmarket Surveillance Requirements'' will be available at http://www.fda.gov/cdrh/postsurv/plasmaspry.pdf.

IV. Comments

Interested persons may, at any time submit to the contact person above written comments regarding this guidance. FDA will consider any comments to determine whether to revise or revoke the guidance.

Dated: January 16, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–2242 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0854]

Determination of Regulatory Review Period for Purposes of Patent Extension; Bapten®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Bapten® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that animal drug product.

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

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review on the earlier date when either a major environmental effects test was initiated for the drug or when an exemption under section 512(j) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 360b(j)) became effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the animal drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for an animal drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(4)(B).

FDA recently approved for marketing the animal drug product Bapten® (beta-aminopropionitrile fumarate). Bapten® is indicated for the treatment of tendinitis of the superficial digital flexor tendon in the adult horse where there is sonographic evidence of fiber tearing. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Bapten® (U.S. Patent No. 4,485,088) from Alaco, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated April 29, 1999, FDA advised the Patent and Trademark Office that this animal drug product had undergone a regulatory review period and that the approval of Bapten® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Bapten® is 5,845 days. Of this time, 5,734 days occurred during the testing phase of the regulatory review period, while 111 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 512(j) of the act became effective:* June 11, 1982. The applicant claims May 27, 1982, as the date the investigational new animal drug application (INAD) became effective. However, FDA records indicate that the date of FDA's letter assigning a number to the INAD was June 11, 1982, which

is considered to be the effective date for the INAD.

2. *The date the application was initially submitted with respect to the animal drug product under section 512(b) of the act:* February 20, 1998. The applicant claims February 17, 1998, as the date the new animal drug application (NADA) for Bapten® (NADA 141–107) was initially submitted. However, a review of FDA records reveals that the date of FDA's official acknowledgement letter assigning a number to NADA 141–107 was February 20, 1998, which is considered to be the initially submitted date for NADA 141–107.

3. *The date the application was approved:* June 10, 1998. FDA has verified the applicant's claim that NADA 141–107 was approved on June 10, 1998.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,825 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before April 3, 2000, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 31, 2000, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 23, 1999.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 00–2149 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99E–0116]

Determination of Regulatory Review Period for Purposes of Patent Extension; Rotashield®

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Rotashield® and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

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

FOR FURTHER INFORMATION CONTACT: Claudia V. Grillo, Regulatory Policy Staff (HFD–7), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human biological product Rotashield®. Rotashield® is indicated for immunization of infants at 2, 4, and 6 months of age. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Rotashield® (U.S. Patent No. 4,704,275) from American Home Products Corp., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated March 16, 1999, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of Rotashield® represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Rotashield® is 3,804 days. Of this time, 3,226 days occurred during the testing phase of the regulatory review period, while 578 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* April 3, 1988. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on April 3, 1988.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act:* January 31, 1997. FDA has verified the applicant's claim that the product license application (PLA) for Rotashield® (PLA 97–0111) was initially submitted on January 31, 1997.

3. *The date the application was approved:* August 31, 1998. FDA has verified the applicant's claim that PLA 97–0111 was approved on August 31, 1998.

This determination of the regulatory review period establishes the maximum potential length of a patent extension.

However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

Anyone with knowledge that any of the dates as published is incorrect may, on or before April 3, 2000, submit to the Dockets Management Branch (address above) written comments and ask for a redetermination. Furthermore, any interested person may petition FDA, on or before July 31, 2000, for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch (address above) in three copies (except that individuals may submit single copies) and identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: December 23, 1999.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 00–2243 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–0392]

Seafood HACCP Transition Guidance; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the guidance entitled ''Seafood HACCP Transition Guidance.'' This guidance sets forth the policies and procedures under which the agency may consider refraining from regulatory action under the seafood Hazard Analysis Critical Control Point (HACCP) regulations and the Federal Food, Drug, and Cosmetic Act (the act). This guidance provides for the submission to FDA of citizen petitions that describe scientific studies that petitioners are proposing to resolve issues relating to particular hazard analyses or controls for particular food safety hazards.

DATES: This notice is effective February 2, 2000.

FOR FURTHER INFORMATION CONTACT: Donald W. Kraemer, Center for Food Safety and Applied Nutrition (HFS–400), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–418–3133.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of March 26, 1999 (64 FR 14736), FDA published for comment a notice containing a draft guidance setting forth policies and procedures under which the agency may take into account a planned or ongoing scientific study when deciding whether to pursue regulatory action under the seafood HACCP regulations and the act. Specifically, the draft guidance indicated that FDA might consider refraining from regulatory action against a seafood processor or processors to allow the conduct of a scientific study to resolve a dispute between FDA and the processor(s) over questions of fact. These questions would either relate to whether certain food safety hazards are reasonably likely to occur in specific situations or to the effectiveness or need for certain controls for those hazards. FDA would only consider refraining from regulatory action if the public would not be jeopardized by doing so.

The draft guidance requested that individuals desiring to propose a scientific study under these circumstances submit a petition to the agency in accordance with FDA's regulations for citizen's petitions at 21 CFR 10.30. The petition would describe the study and request that FDA consider exercising enforcement discretion on certain matters under the seafood HACCP regulations and the act pending their scientific resolution.

FDA further recommended that the petition be submitted as a request to revise or amend the agency's guidance document entitled ''The Fish and Fishery Products Hazards and Controls Guide (the Guide).'' The Guide contains FDA's compilation of what the agency believes to be the latest, science-based knowledge about when food safety hazards are reasonably likely to occur and what controls are appropriate for those hazards.

II. The Comments

Three comments were received on the draft of the Seafood HACCP Transition Guidance. Two of the comments were from trade associations, and one was from a professional association. All comments supported the general approach proposed by the agency to rely on scientific studies under circumstances described in the draft, but asked for specific modifications in order to expedite or otherwise improve the process.

1. One comment suggested that the petition process would be time consuming and would inhibit the agency's ability to respond quickly to requests for discretionary enforcement, especially considering that the agency allows itself up to 180 days to respond on petitions.

As noted by the comment, the 180-day period is the maximum permitted tentative response time. However, given the significance of the food safety issues that are likely to be submitted for review under the guidance and the desire of the agency to obtain new scientific information on issues having bearing on scientific questions related to HACCP implementation, FDA believes that it would be mutually advantageous for the agency to respond to the petitioner as expeditiously as possible. For this reason, the agency continues to encourage potential petitioners to engage in presubmission consultations with FDA on the merits. Familiarity with the issues presented in a petition would greatly facilitate the agency's ability to respond quickly. The agency anticipates that review of the scientific merits of any proposal will be a more likely cause of delay, than the mechanics of the petition process. Consequently, FDA does not agree that the citizen's petition process will cause the agency to significantly delay its response.

A related comment stated that the citizen's petition is a cumbersome mechanism, which could be overwhelming for those unaccustomed to FDA's administrative procedures. This comment recommended that the guidance policy clarify the applicability of certain provisions in part 10 (21 CFR part 10), particularly as they relate to the need for environmental and economic impact statements.

FDA does not anticipate that the contents of a citizen's petition would be notably different than the contents of a request to the agency under another format. The contents need only include information that enables FDA to make an informed decision on a petitioner's request. In that regard, the agency does not expect that either an environmental or economic impact statement will be relevant, especially since the research to be conducted is at the petitioner's initiative and would not ordinarily be

the subject of an extramural contract, grant, or other research agreement with the government.

2. One comment expressed concern for the need for confidentiality to protect proprietary information, in that the citizen petition process could result in the disclosure of trade secrets to competitors.

FDA's regulations (21 CFR 10.30 and 21 CFR 10.20(j)) provide that citizen petitions and supporting information are to go on public display (i.e., be made public). Under 21 CFR 10.20(j)(2), the only exception is for petitions that contain information the disclosure of which would be a clearly unwarranted invasion of personal privacy. Thus, FDA is not in a position to protect other information in a citizen petition from disclosure. If a person believes they have a situation that CFSAN should consider under this guidance, but would need to rely on trade secret on confidential commercial information to make their case, they should raise the matter with CFSAN to see if other approaches are appropriate

3. Two comments stated that FDA should consider other options to further advance the science needed to support HACCP implementation. One of these comments suggested that the agency should consider establishing an external scientific review process to evaluate the scientific merit of the research proposed in a citizen petition. The comment stated that an outside review would provide a wider range of scientific input and discussion than otherwise occur and may yield a stronger consensus among FDA, industry, and academia.

FDA agrees there may be cases when the agency will need the assistance of an expert review panel, particularly when there is a diversity of scientific opinion within the agency. However, two advisory committees, the National Food Advisory Committee and the National Advisory Committee on Microbiological Criteria for Foods, already exist for this purpose. FDA anticipates that the benefits of consulting with a panel of outside experts will be considered on a case-by-case basis.

4. One comment requested that the HACCP transition guidance outline the agency's expectation of the level of detail expected in studies, and the amount of time allowed for completion of scientific studies or literature searches, and that these factors should be influenced by the nature of the specific issue being addressed. The comment stated that, in many cases, the scientific detail need not be exhaustive, especially where the issue applies to a product that has been marketed safely for some time, or where the data supporting FDA's current policy are not exhaustive.

FDA intends to assess the adequacy of scientific detail on a case-by-case basis. The factors that the agency will generally take into consideration when determining the adequacy of a scientific study may include the severity of the hazard at issue in the petition and the extent and credibility of existing data.

5. One comment expressed the need for caution should the agency announce that it intends to exercise enforcement discretion, because State agencies may have compliance actions occurring on their own. To avoid inconsistent regulatory policies between FDA and the States, it was suggested that FDA establish an information sharing mechanism with the States on this subject.

FDA agrees with this concern and intends to take steps to prevent conflict between Federal and State actions. FDA expects to advise the public about petitions on its website. In addition, the agency intends to take appropriate steps to ensure that states are adequately apprised. These steps may include advising the Association of Food and Drug Officials (AFDO), a professional association of State, Federal, and local regulatory officials (with industry representatives participating as associate members) on the status of petitions and posting petition information in the State Action Information Letter (SAIL) at http://www.fda.gov/ora/fed_state/sail.htm.

III. Availability

This Seafood HACCP Transition Guidance is now available on the home page for FDA's Center for Food Safety and Applied Nutrition (CFSAN) at http:/vm.cfsan.fda.gov/dms/guidance.html. It may also be obtained through the Activities Staff, Office of Constituent Operations, CFSAN, phone 202–205–5251.

IV. Status of This Guidance

This guidance represents the agency's current thinking on the subject and does not create or confer any rights for or on any person and does not operate to bind FDA or the public.

V. Paperwork Reduction Act

FDA concludes that this guidance would not impose a paperwork burden that has not already been estimated and approved by OMB under OMB Control No. 0910–0183 ''Citizen Petition—21 CFR 10.30.'' This guidance provides information to the public to assist them in submitting petitions to obtain changes in the Guide under certain circumstances.

Dated: January 21, 2000.

Margaret M. Dotzel,

Acting Associate Commissioner for Policy.

[FR Doc. 00–2147 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–0053]

Draft Guidance on Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme.'' This draft guidance is not final nor is it in effect at this time. This document is intended to provide draft guidance for categorizing the risks posed by single-use devices (SUD's) that are reprocessed and/or reused. FDA may use this scheme to set enforcement priorities for regulation of reprocessed and/or reused SUD's.

DATES: Submit written comments concerning this draft guidance by March 3, 2000.

ADDRESSES: See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the draft guidance. Submit written requests for single copies on a 3.5″ diskette of the draft guidance document entitled ''Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme'' 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.

Submit written comments concerning this draft guidance to the Dockets Management Branch, (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Timothy A. Ulatowski, Center for Devices and Radiological Health (HFZ–480), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–443–8879.

SUPPLEMENTARY INFORMATION:

I. Background

Reuse of SUD's is the practice of cleaning, disinfecting, sterilizing, and reusing medical devices that are intended for only one use. Reuse has raised concerns regarding patient safety, informed consent, and equitable regulation of reuse under the Federal Food, Drug and Cosmetic Act. On May 5 and 6, 1999, FDA and the Association for the Advancement of Medical Instrumentation cosponsored a conference on reuse of single-use devices to help examine policy alternatives regarding the practice of reuse. As a result of that meeting, FDA made the draft guidance entitled ''FDA's Proposed Strategy on Reuse of Single-Use Devices'' available on November 3, 1999. Risk categorization of SUD's was one topic of discussion at an open meeting held by FDA on December 14, 1999. This document was the basis for the discussion at that meeting and is now being made more widely available for public comment. FDA expects to issue an updated draft of this guidance shortly and will also make that draft available for public comment.

II. Significance of Guidance

This draft guidance document represents the agency's current thinking on the categorization of risk for SUD's. 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.

III. Electronic Access

In order to receive the draft guidance entitled ''Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme'' 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 second voice prompt press 2, and then enter the document number 1156 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. Updated on a regular basis, the CDRH home page includes ''Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme,'' 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. ''Reprocessing and Reuse of Single-Use Devices: Risk Categorization Scheme'' will be available at http://www.fda.gov/cdrh/Reuse.

IV. Comments

Interested persons may, on or before May 2, 2000, submit to Dockets Management Branch (address above) written comments regarding this draft guidance. 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. The guidance document and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: January 23, 2000.

Linda S. Kahan,

Deputy Director for Regulations Policy, Center for Devices and Radiological Health.

[FR Doc. 00–2244 Filed 2–1–00; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3031–N]

Medicare Program; Meeting of the Executive Committee of the Medicare Coverage Advisory Committee—March 1, 2000

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces a public meeting of the Executive Committee of the Medicare Coverage Advisory Committee (MCAC). The Committee provides advice and recommendations to us about clinical coverage issues. The Committee will hear reports from its subcommittee, and will discuss and consider the levels of evidence (including the types and presentation format of information) that it believes should be considered by the medical specialty panels of the MCAC at future public meetings. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. App. 2, section 10(a)(1) and (a)(2)).

DATES: *The Meeting:* March 1, 2000, from 8 a.m. until 4 p.m., E.D.T.

Deadline for Presentation Submissions: February 10, 2000.

Special Accommodations: Persons attending the meeting who are hearing or visually impaired and have special requirements, or a condition that requires special assistance or accommodations, must notify the Executive Secretary by February 15, 2000.

ADDRESSES: *The Meeting:* The meeting will be held at the Health Care Financing Administration, 7500 Security Boulevard, Baltimore, MD 21244.

Presentations and Comments: Submit formal presentations and written comments to Sharon Lappalainen, Executive Secretary; Office of Clinical Standards and Quality; Health Care Financing Administration; 7500 Security Boulevard; Mail Stop S3–02–01; Baltimore, MD 21244.

Website: You may access up-to-date information on this meeting at www.hcfa.gov/quality/8b.htm.

FOR FURTHER INFORMATION CONTACT: Sharon Lappalainen, Executive Secretary, (410) 786–9262.

SUPPLEMENTARY INFORMATION: On August 13, 1999, we published a notice (64 FR 44231) describing the Medicare Coverage Advisory Committee (MCAC), which provides advice and recommendations to us about clinical coverage issues. This notice announces the following public meeting of the MCAC:

Current Members of the Panel

Harold C. Sox, MD (Chairperson); Thomas V. Holohan, MD (FACP); Leslie P. Francis, JD, PhD; John H. Ferguson, MD; Robert L. Murray, PhD; Alan M. Garber, MD, PhD; Michael D. Maves, MD, MBA; David M. Eddy, MD, PhD; Frank J. Papatheofanis, MD, PhD; Ronald M. Davis, MD; Daisy Alford-Smith, PhD; Joe W. Johnson, DC; Robert H. Brook, MD, ScD; Linda A. Bergthold, PhD; Randel E. Richner, MPH.

Topic of the Meeting

The Committee will hear reports from its subcommittee, and will discuss and consider the levels of evidence (including the types and presentation

format of information) that it believes should be considered by the medical specialty panels of the MCAC at future public meetings.

Procedure and Agenda

This meeting is open to the public. The Committee will hear oral presentations from the public for approximately one hour. The Committee may limit the number and duration of oral presentations to the time available. If you wish to make a formal presentation, you must notify the For Further Information Contact, and submit the following by the Deadline for Presentations and Comments date listed in the DATES section of this notice: a brief statement of the general nature of the evidence or arguments you wish to present, the names and addresses of proposed participants, and an estimate of the time required to make the presentation. We will request that you declare at the meeting whether or not you have any financial involvement with manufacturers of any items or services being discussed (or with their competitors).

After the public presentation, we will make a presentation to the Committee. After our presentation, the Committee will deliberate openly on the topic. Interested persons may observe the deliberations, but the Committee will not hear further comments during this time except at the request of the chairperson. At the end of the Committee deliberations, the Committee will allow a 30-minute open public session for any attendee to address issues specific to the topic. After which, the members will vote and the Committee will make its recommendation.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare-Supplementary Medical Insurance Program)

Dated: January 18, 2000.

Jeffrey L. Kang,

Director, Office of Clinical Standards and Quality, Health Care Financing Administration.

[FR Doc. 00–2313 Filed 2–1–00; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: State Prevention Needs Assessments: Alcohol and Other Drugs, Cohort V (New)—SAMHSA's Center for Substance Abuse Prevention (CSAP) has awarded contracts to several States (Cohort V) to collect data to assess the nature and extent of substance abuse prevention services needs. The data collection by these States will bring to 30 (Cohorts I–V) the number of States that have implemented a family of prevention needs assessment studies, and will constitute the third cohort to apply the core set of measures, instruments, and methodologies developed and standardized under prior State needs assessment State contracts.

Data will be collected in school surveys and community resource assessments (CRA). The information collected in this project will be combined with existing information from other sources; States may use multiple approaches to assess statewide and substate distributions of risk and protective factors for substance use, of prevention resources, and of prevention services needs. These needs assessment studies will permit cross-State comparison of risk and protection variables to assist State services planning and allocation of State Block Grant funds, and to assist Federal response to the Government Performance and Results Act (GPRA). The estimated annualized burden for the three-year project is shown below.

Respondents	Number of respondents	Responses per respondent	Average burden per response (hours)	Annualized burden hours
Students	137,500	1	0.75	103,125
Program Providers	1,410	1	1.00	1,410
Total	138,910	.....	.....	104,535
3-year Average	46,303	.....	.....	34,845

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: January 24, 2000.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 00–2213 Filed 2–1–00; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Receipt of Application for Endangered Species Permit.

SUMMARY: The following applicants have applied for permits 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.*).

If you wish to comment, you may submit comments by any one of several methods. You may mail comments to the Service's Regional Office (see **ADDRESSES**). You may also comment via the internet to ''kenneth__graham@fws.gov''. Please submit comments over the internet as an ASCII file avoiding the use of special characters and any form of encryption. Please also include your name and return address in your internet message. If you do not receive a confirmation from the Service that we have received your internet message, contact us directly at either telephone number listed below (see **FURTHER INFORMATION**). Finally, you may hand deliver comments to either Service office listed below (see **ADDRESSES**). Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the administrative record. We will honor such requests to the extent allowable by law. There may also be other circumstances in which we would withhold from the administrative record a respondent's identity, as allowable by law. If you wish us to withhold your name and address, you must state this prominently at the beginning of your comments. We will not, however, consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

DATES: Written data or comments on these applications must be received, at the address given below, by March 3, 2000.

ADDRESSES: 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 to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: Ken Graham, Permit Biologist). Telephone: 404/679–7358; Facsimile: 404/679–7081.

FOR FURTHER INFORMATION CONTACT: Ken Graham, Telephone: 404/679–7358; Facsimile: 404/679–7081.

SUPPLEMENTARY INFORMATION:

Applicant: Frances C. James, Florida State University, Tallahassee, Florida, TE020826–0.

The applicant requests authorization to take (harass during nest monitoring, temporary nest occlusion research, and stomach flush/dietary analysis research) the endangered red-cockaded woodpecker, *Picoides borealis,* on the Apalachicola National Forest, in Leon, Liberty, and Wakulla Counties, Florida for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, National Forests in North Carolina, Asheville, North Carolina, TE020891–0.

The applicant requests authorization to take (capture, band, and harass during nest monitoring and construction of artificial cavities) the endangered red-cockaded woodpecker, Picoides borealis, throughout the species range in North Carolina, for the purpose of enhancement of survival of the species.

Applicant: Forest Supervisor, National Forests in Mississippi, Jackson, Mississippi, TE020890–0.

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring, construction of artificial cavities, placement of restrictor plates, and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis,* throughout the species range in Mississippi, for the purpose of enhancement of survival of the species.

Applicant: Stanley B. Rudzinski, Jr., Law Engineering and Environmental Consultants, Nashville, Tennessee, TE021030–0.

The applicant requests authorization to take (capture, identify, and relocate) the endangered Nashville Crayfish, *Orconectes shoupi,* throughout the species range in Tennessee, for the purpose of enhancement of survival of the species.

Applicant: Nancy E. Jordan, South Carolina Cooperative Fish and Wildlife Research Unit, Clemson University, Clemson, South Carolina, TE022019–0.

The applicant requests authorization to take (capture, band, monitor and collect unhatched eggs for hatching success research) the endangered red-cockaded woodpecker, *Picoides borealis,* in the Norfolk Southern Railroad Brosnan Forest, South Carolina, for the purpose of enhancement of survival of the species.

Applicant: Kimberly Morgan Hicks, Oxford, North Carolina, TE022046–0.

The applicant requests authorization to take (capture, identify, and release) five species of endangered freshwater molluscs throughout the species' ranges in North Carolina and South Carolina, for the purpose of enhancement of survival of the species.

Applicant: Peter G. David, South Florida Water Management District, Canal Point, Florida, TE020654–0.

The applicant requests authorization to take (capture, band, translocate, and harass during nest monitoring and augmentation) the endangered red-cockaded woodpecker, *Picoides borealis,* throughout the species range in Florida for the purpose of enhancement of survival of the species.

Dated: January 26, 2000.

H. Dale Hall,

Acting Regional Director.

[FR Doc. 00–2215 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications.

SUMMARY: The following applicants have applied for a scientific research permit to conduct certain activities with endangered species pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 USC 1531 *et seq.*).

Permit No. TE–021929

Applicant: The Native Plant Society, Sacramento Valley Chapter, Sacramento, California.

The applicant requests a permit to take (harass by survey, collect, and sacrifice) the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*Branchinecta longiantenna*), and vernal pool tadpole shrimp (*Lepidurus packardi*) throughout each species range in California, in conjunction with surveys, population monitoring, and education for the purpose of enhancing their survival.

Permit No. TE–702631

Applicant: Assistant Regional Director-Ecological Services, Region 1,

U.S. Fish and Wildlife Service, Portland, Oregon.

The permittee requests an amendment to remove and reduce to possession specimens of the following plant species: *Sidalcea oregana var. calva* (Wenatchee Mountains checker-mallow) and *Fritillaria gentneri* (Gentner's Fritillary) (=Mission-bells). Authorization is also requested to take the following species: Kauai cave wolf spider (*Adelocosa anops*), Kauai cave amphipod (*Spelaeorchestia koloana*), and the Santa Barbara County distinct population segment of the California tiger salamander (*Ambystoma californiense*). Collection and take activities will be conducted throughout the species range in conjunction with recovery efforts for the purpose of enhancing their propagation and survival.

Permit No. TE–018909

Applicant: Kelly Rios, Brea, California.

The permittee requests an amendment to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout its range for the purpose of enhancing its survival.

Permit No. TE–021544

Applicant: Salvatore Zimmitte, San Diego, California.

The applicant requests a permit to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*) in conjunction with presence or absence surveys throughout its range for the purpose of enhancing its survival.

Permit No. TE–00750

Applicant: Julie Simonsen, Newport Beach, California.

The permittee requests an amendment to take (survey by pursuit) the Quino checkerspot butterfly (*Euphydryas editha quino*), El Segundo blue butterfly (*Euphilotes battoides allyni*), and Delhi Sands flower loving fly (*Rhaphiomidas terminatus abdominalis*) in conjunction with presence or absence surveys throughout each species range for the purpose of enhancing their survival.

DATES: Written comments on these permit applications must be received on or before March 3, 2000.

ADDRESSES: Written data or comments should be submitted to the Chief—Endangered Species, Ecological Services, Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Fax: (503) 231–6243. 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: 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 20 days of the date of publication of this notice to the address above; telephone: (503) 231–2063. Please refer to the respective permit number for each application when requesting copies of documents.

Dated: January 26, 2000.

Thomas Dwyer,

Regional Director, Region 1, Portland, Oregon.

[FR Doc. 00–2221 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

[No. CIV90–0957CH/WWD]

Notice of Distribution of Partial Settlement: Ramah Navajo Chapter v. Bruce Babbitt

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: A Notice of the Distribution of Partial Settlement and Hearing is contained in this announcement. The Notice describes procedures for the payment and distribution of the Common Fund, including eligibility for payment, necessary documentation and related information.

FOR FURTHER INFORMATION CONTACT: Michael P. Gross, Class Counsel, 460 St. Michael's Drive, #300, Santa Fe, New Mexico 87505; Telephone No. (505) 983–6686; Fax (505) 989–1096; E-mail address: mpgoss@santa-fe.net; or C. Bryant Rogers, Co-Class Counsel, Roth, VanAmberg, Rogers, Ortiz, Fairbanks & Yepa LLP, 347 East Palace Avenue, Post Office Box 1447, Santa Fe, New Mexico 87504–1447; Telephone No. (505) 988–8979; Fax (505) 983–7508; E-mail: rogers@trail.com.

SUPPLEMENTARY INFORMATION: The Class Distribution Notice in *Ramah Navajo Chapter* v. *Bruce Babbitt, Secretary of the Interior; Kevin Gover, Assistant Secretary of the Indian Affairs; Robert J. Williams, Acting Inspector General; U.S. Department of the Interior and the United States of America* (CIV No. 90–0957 LH/WWD), before the United States District Court for the District of New Mexico, reads as set forth below.

Class Distribution Notice Number 1

With this notice, Class Counsel are commencing distribution of the partial settlement paid by Defendants on September 8, 1999. The Net Common Fund to be distributed as of September 8, 1999, was $70,738,749.91, to be augmented by the remaining balance in the Reserve Account to which all interest accruals on the Net Common Fund and Reserve Account are deposited.

The proceeds of the partial settlement were deposited pursuant to Court Order in the Court Registry Investment System administered by the Clerk of the United States District Court for the Southern District of Texas (Houston). Since that time, the Class has engaged as the Independent CPA the Albuquerque firm of Rogoff Erickson Diamond & Walker, L.L.P. The purpose of this Notice is:

1. To publish a Provisional List of Class Members believed to be eligible for an allocation from the Net Common Fund.

2. To give notice to any tribe or tribal entity not on the Provisional List of procedures it must follow in order to challenge its omission from the list.

3. To give notice to all Class Members of the requirement to submit a timely Claim Form with requested documents and to submit a Certificate of Lack of Documentation if the ''Schedule of Federal Financial Assistance'' from its single agency audit cannot be located for any settlement year.

4. To give notice and an opportunity to object to a conditional agreement reached by Class Counsel and a group of tribes or tribal entities which negotiate indirect cost rates with the Division of Cost Allocation of the Department of Health and Human Services (DCA tribes) instead of with the Office of Inspector General of the Department of the Interior (OIG).

5. To give notice and an opportunity to opt out of the Class with respect to additional claims added to the Plaintiffs, complaint to enlarge the scope of damage claims for indirect cost shortfalls beyond those previously litigated in this action.

I. Who Will Qualify for A Share in the Settlement?

To qualify under the Partial Settlement Agreement (PSA) for a share in the current settlement, you must be an eligible Class Member; *i.e.:*

A. Have had a Public Law 93–638 contract or compact or school grant in any or part of any settlement year (FY

1989 through FY 1993 or CY 1989 through CY 1993);

B. Have had an indirect cost rate with the Office of Inspector General (OIG) of the Department of the Interior or a lump sum agreement for contract support from the Bureau of Indian Affairs (BIA) in any or part of any settlement year; and

C. Have received ''other federal agency'' funding as defined in the PSA in any or part of any settlement year.

Tribes and entities who negotiated indirect cost rates with the Division of Cost Allocation (DCA) of the Department of Health and Human Services will qualify for a share only if approved by the Court (see part IV. DCA Tribes).

II. Provisional List of Class Members and Procedure for Challenge

Attached to this notice is a list compiled by Class Counsel of tribes and tribal entities believed to be members of the Class which may be eligible for an allocation from the Net Common Fund.

The list is also published on the Class web site www.rncclassaction.santa-fe.net and linked to the settlement web site www.RNCsettlement.com. The web site contains important pleadings, other documents, and notices previously sent to the Class as well as the complete Partial Settlement Agreement including Appendix D.

A. If You Are on the List but Wish To Be Removed

If for some reason you do not wish to share in this settlement, and believe you were incorrectly *added* to the Provisional List, you may perfect a challenge by sworn affidavit delivered to Counsel for Plaintiffs and Counsel for Defendants within thirty (30) days of receipt of this Notice.

Opposing counsel may dispute the challenge before the Magistrate, whose decision shall be final as to matters of fact but not of law.

B. If You Are Not on the List but Wish To Be Included

Any tribal entity which does not appear on the Provisional List and which believes it is eligible to receive a share of the Net Common Fund must file a statement certifying under oath under penalty of perjury that: (1) It had a Public Law 93–638 contract, self-governance compact or tribally controlled school grant with the BIA during any year of the fiscal or calendar years 1989 through 1993; and (2) had an OIG-approved indirect cost rate *or* a BIA-approved lump sum agreement for indirect costs during any of the same years. The response must state that the said representations are true and correct to the best of the signatory's knowledge, information, and belief. The statement must also be accompanied by documentary proof (*e.g.,* contract award documents, IDC rate agreements, independent audits, etc.) showing these elements for each year the entity claims to have had such contracts, compacts, or school grants *and* indirect cost rate agreements or lump sum agreements during the settlement period. The statements and proofs must be received no later than sixty (60) days after the date of publication of this Notice and shall also be served on Defendants' counsel within the same period. Challenges to inclusion or exclusions from the Provisional List by other Class Members are not permitted.

Entities seeking to be added to the Provisional List must send the attached Claim Form with supporting documentation within the 60-day deadline to:

Rogoff Erickson Diamond & Walker, LLP, Ramah Navajo Chapter Class Action Settlement Administrator, 6401 Jefferson NE, Post Office Box 93659, Albuquerque, New Mexico 87199–3656; 1–888–726–9418

John W. Zavitz, Assistant United States Attorney, Post Office Box 607, Albuquerque, New Mexico 87103

C. Who Is Entitled To Share in the Allocation?

Only Class Members who actually received ''other-federal-agency'' funds as that term is used in the Partial Settlement Agreement during one or more of the settlement years (fiscal or calendar years 1989 through 1993) are eligible for an allocation from the Net Common Fund. The allocations will be made on the basis of each Class Member's level of ''other-federal-agency'' funding compared with that of the entire Class for each settlement year. The definition of ''other-federal-agency'' funds is set out at paragraph 3.a of the Partial Settlement Agreement which can be viewed on the Class website or the linked settlement website.

III. Need To Submit Timely Claim Form

To substantiate eligibility, each Class Member must submit to the Independent CPA sufficient financial information about its Federal funding for each of the settlement years. The preferred information is your 'Schedule of Federal Financial Assistance'' from each year's single agency audit.

The Independent CPA will also accept copies of your final indirect cost agreements with attachments, or indirect cost rate proposals, other Federal agency contracts or grants, or proof of receipt of payments from other Federal agencies in a form acceptable to the Independent CPA.

If your entity cannot locate any 'Schedule of Federal Financial Assistance'' you must send in the attached 'Lack of Documentation Certification.'' The Independent CPA may be contacted for more information about the documents needed. If Class Members cannot locate the documents, defendants will provide copies of the single agency audit—Schedule of Federal Financial Assistance or other documents (*e.g.,* indirect cost agreements or proposals), pursuant to paragraph 9(b) of Appendix D to the PSA if those documents can be located in government files. However, each Class Member is the best source for the information sought. It is therefore incumbent on each Class Member to make the best effort possible to locate the data and documents required.

You must return the completed Claim Form within sixty (60) days of the date of publication of this Notice. Audit data received from Class Members will be kept confidential pursuant to paragraph 9(c) of Appendix D. Entities for whom the required documents are not received may not receive an allocation.

If the Court, on petition, later finds that the methodology for distribution based on ''other Federal agency funds'' is unworkable, too costly, or not beneficial to the interests of the Class, some other method may be substituted after notice and an opportunity for hearing objections.

Following the expiration of the response periods set forth in this Notice, the Class Independent CPA will determine the Final List of Class Members who may be eligible for an allocation under the Partial Settlement Agreement.

Unless Class Members timely provide necessary documentation to the Settlement Administrator/Independent CPA they may not receive any share of the Net Common Fund attributable to the year or years for which there is insufficient data.

IV. DCA Tribes

The Partial Settlement Agreement approved by the Court recertified the Class to include only those Public Law 93–638 contractors, compactors, or school grantees which had negotiated indirect cost rates during the settlement years with OIG or a lump sum agreement for contract support with BIA. Class Counsel submitted the agreement to the Court for review and approval, several DCA tribes approached Class Counsel to register their belief that they should be included

in the Class for allocation purposes. This followed a settlement approved by the Court with one DCA tribe which had filed a timely objection to the settlement on this point. In order to facilitate approval of the overall settlement, Class Counsel entered into a conditional agreement with these tribes as follows: After notice to the Class, hearing by the Court, and Court approval, DCA tribes will be eligible for individual allocations from the Reserve Account established in paragraph 7.d of the Partial Settlement Agreement up to a collective capped amount of $900,000 based on the same criteria as apply to other Class Members. DCA tribes will not, however, become Class Members for any other purpose including eligibility for allocations from any future Class Common Fund in this case. The parties believe this arrangement will not impact the OIG tribes significantly in view of the fact that the Reserve Account of $1,000,000 is to be supplemented under paragraph 7.e of the Partial Settlement Agreement by interest earned on the Net Common Fund. To date the interest earned for the two and one-half months since receipt of the settlement proceeds has exceeded $900,000.00. Class Counsel and the CPA have estimated the costs of distribution of the Net Common Fund to be approximately $550,000.00. Thus, the full amount reasonably expected to be needed to pay for distribution plus the maximum capped allocations to the DCA tribes is already available or close to being available. Any remaining balance in the Reserve Account will be returned to the Net Common Fund for general distribution.

Any Class Member wishing to object to the conditional settlement agreement with DCA tribes may do so by filing a written objection stating its name, responsible officer, or attorney, address, telephone number, and reasons for objection with the Clerk of the District Court for the District of New Mexico, 333 Lomas NW, Albuquerque, New Mexico 87102, in a pleading using the caption above within thirty (30) days of the date of publication of this Notice. In addition, any such objection must be served on Class Counsel and Defendants' counsel within the same time period. Service shall be directed as follows:

Michael P. Gross, Class Counsel, 460 St. Michael's Drive, Bldg. 300, Santa Fe, New Mexico 87505

John W. Zavitz, Assistant U.S. Attorney, Post Office Box 607, Albuquerque, New Mexico 87103

V. Hearing

A hearing on objections to the proposed DCA settlement will be conducted by the Honorable C. LeRoy Hansen, U.S. District Judge, at the U.S. Courthouse, 333 Lomas NW, Albuquerque, New Mexico on March 15, 2000, at 9 a.m. Objectors must indicate in their written objections whether they intend to appear in person or through an attorney at the hearing. The date and time of the hearing may be changed without notice. Class Members are therefore advised to check with the Court prior to attending the hearing.

VI. New Claims

On September 30, 1999 (Docket #347), the Court approved motions for intervention and for amendment of the complaint to add an additional named Class representative and an additional claim for damages caused by shortfalls in payment of indirect costs. The new representative is the Oglala Sioux Tribe, which stated in its motion that it is, by information and belief, the only Class Member to have exhausted its administrative remedies for general shortfall claims back to FY 1992. The new claim asks for relief for shortfalls in indirect costs (contract support) based on BIA's failure to pay the amounts agreed in the annual indirect cost agreements with OIG. This claim augments the original claim litigated to date based on shortfalls created by incorrectly depressing indirect cost rates through improper inclusion of other federal agency funds in the direct cost base making up the indirect cost rate.

The new claim significantly expands the possible damages to which the Class will be eligible should it prevail. The new claim was among those reserved and not released in the Partial Settlement Agreement. The new claim involves the same legal issue as the remaining claim litigated to date. Any Class Member wishing to opt out of the Class (insofar only as the new claim is concerned) may do so by filing a statement with the Clerk of the Court within thirty (30) days of the date of publication of this Notice with service of upon Class Counsel and Defendants' Counsel within the same time period in the manner specified in part II. Provisional List Of Class Members And Procedure For Challenge.

Any questions regarding the Plan of Allocation for the Partial Settlement Agreement Common Fund should be directed to: Rogoff Erickson Diamond & Walker, L.L.P., Ramah Class Action Settlement CPA, Post Office Box 93659, Albuquerque, New Mexico 87199–3659; 1–888–726–9418 website: www.rncsettlement.com e-mail: *rncsettlement@redw.com.*

Any other questions regarding this Notice should be directed to Class Counsel below:

Class Counsel: Michael P. Gross, 460 St. Michael's Drive, #300, Santa Fe, New Mexico 87505; (505) 983–6686, (505) 989–1096 fax, e-mail: mpgross@santa-fe.net

Co-Class Counsel: C. Bryant Rogers, Roth, VanAmberg, Rogers, Ortiz, Fairbanks & Yepa, LLP, 347 East Palace Avenue, Post Office Box 1447, Santa Fe, New Mexico 87504–1447; (505) 988–8979, (505) 983–7508 fax, e-mail: rogers@ trail.com

Approved as to form (Telephonically Approved 12/14/99) by John W. Zavitz, Assistant United States Attorney, Defendant's Counsel.

Dated: January 21, 2000.

Kevin Gover,

Assistant Secretary—Indian Affairs.

Control# _____

United States District Court for the District of New Mexico

Ramah Navajo Chapter et al. v. Bruce Babbitt et al.

[CIV No. 90–00957 LH/WWD]

Claim Form

(Please type or print)

Note: This claim form must be postmarked no later than sixty (60) days after publication of this notice in the **Federal Register**.

Part I

Class member information required by partial settlement agreement, appendix D, art. III, 8.b.4.

_____

Name of federally-recognized tribe or tribal organization

Contact person _____

Mailing address _____

City _____

State _____

Zip Code _____

Area Code _____

Telephone Number _____

Area Code _____

Fax Number _____

E-mail address _____

Taxpayer Identification Number _____

_____Federally-Recognized Tribe

_____Tribal Organization

_____

Name of federally-recognized tribe or tribal organization

Attached in support of this claim are the following documents:

	FY 1989	FY 1990	FY 1991	FY 1992	FY 1993
Schedule of Federal Financial Assistance for Single Agency Audit, OR	.....	.....	.....	.....	.....
Indirect Cost Agreement (final), OR	.....	.....	.....	.....	.....
Lump Sum Agreement Indirect Cost Proposal, OR	.....	.....	.....	.....	.....
Other	.....	.....	.....	.....	.....

If your entity cannot locate its Schedule of Federal Assistance for a specific settlement year but believe it is qualified to receive an allocation, you must submit the attached ''Lack of Documentation Certification.''

Part II

If you are not on the provisional list of class members and wish to be included, you must fill out part I above and this part II with supporting documentation and sign under penalty of perjury:

The above entity, _____
(name of federally-recognized tribe or tribal organization)

was incorrectly omitted from the Provisions List of Class Members because (1) it had a Public Law 93–638 contract, self-governance compact or tribally controlled school grant with the BIA during any year of the fiscal or calendar years 1989 through 1993, and (2) had an OIG-approved indirect cost rate *or* a BIA-approved lump sum agreement for indirect costs during any of the same years. True and accurate copies of documents showing the entity's entitlement to be added to the list are attached.

_____
Name of federally-recognized tribe or tribal organization

These representations are true and correct to the best of the undersigned signatory's knowledge, information, and belief.

_____
Signature of Responsible Official
Print Name _____
State of _____
Social Security _____
County of _____

The foregoing was duly sworn to and subscribed before me this day by _____ known to me to be that person whose name appears above, this _____ day of _____, 2000.

Notary Public (Seal) _____

My Commission Expires: _____

Control # _____

Ramah Navajo Chapter et al. v. Bruce Babbitt et al.

[90–00957 LH/WWD]

Lack of Documentation Certification

I, _____
(Name)
the _____
(Position)
of the _____
(Federally-Recognized Tribe or Tribal Organization)

To comply with the Allocation/Distribution Methodology Appendix D of the Partial Settlement Agreement dated August 31, 1998, I (we) hereby certify that our tribe/tribal organization does not have or is not able to retrieve its Schedule of Federal Assistance for the following settlement years: (please mark appropriate box(es))

1989 _____
1990 _____
1991 _____
1992 _____
1993 _____

We have _____ or have not _____ attached other documents to support our Claim Form.

Signature _____
Date _____
State of _____
ss.
County of _____

The foregoing was duly sworn to and subscribed before me this day by _____, known to me to be that person whose name appears above, this _____ day of _____, 2000.

Notary Public _____
(Seal)

My Commission Expires: _____

Accurate claims processing takes a significant amount of time. Thank you for your patience.

Reminder Checklist

- Please sign the above declaration.
- Remember to attach requested documentation that applies to your situation.
- Please sign and notarize the Lack of Documentation form if you lack required documents for any of the settlement years.
- Keep a copy of your claim forms for your records.
- If you desire an acknowledgment of receipt of your claim form, please send it Certified Mail, Return Receipt Requested.
- Please notify us of any change in telephone or address.

If you have any questions, please direct them to the Settlement Administrator: Ramah Navajo Chapter Settlement Administrator, Rogoff Erickson Diamond & Walker, LLP, P.O. Box 93659, Albuquerque, NM 87199–3659; (888) 726–9418

Telephone Contacts: Sarah Lee, Susan Hansen; E-mail: rncsettlement@redw.com.

Ramah Navajo Chapter V. Babbitt

CIV No. 90–00957 LH/WWD

Provisional List

Absentee-Shawnee Executive Committee
Acoma Pueblo
Afognak Native Village
AGDAAGUX TRIBE OF KING COVE
Agua Caliente Band of Cahuilla Indians
AHFACHKEE DAY SCHOOL
AHMIUM EDUCATION INC
Ak Chin Indian Community
AK CHIN INDIAN COMMUNITY COUNCIL
Akhiok Village
Akiachak Native Community (IRA)
AKIAK NATIVE COMMUNITY (IRA)
Akutan Village
Alabama-Coushatta Tribal Council
Alabama-Quassarte Tribal Town
Alakanuk Village
ALAMO NAVAJO SCHOOL BOARD INC
Alamo-Navajo Indian Reservation
Alatna Village
Aleknagik Village
ALEUT COMMUNITY OF ST PAUL ISLAND
ALEUTIAN/PROBOLOF ISLAND ASSOCIATION INC
Algaaciq Village (Aka St Marys)
ALL INDIAN PUEBLO COUNCIL
Allakaket Village
Alturas Rancheria
Ambler Village
AMERICAN INDIAN CENTER OF CENTRAL CALIFORNIA
AMERICAN INDIAN CHILD RESOURCE CENTER
Anaktuvuk Pass Village
ANDREAFSKY VILLAGE
Aneth Chapter
Angoon Village (IRA)
Aniak Village
Anvik Village
Apache Tribe of Oklahoma
Arapaho Business Council
Arctic Slope Community
Arctic Village
Aroostook Band of Micmac Indians
Asa'Carsarmiut Tribe
Assiniboine and Sioux Tribes of Fort Peck
ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS INC
Atka Village (IRA)
Atmuathluak Village
Atqasuk Village
ATSA'BI'YAAZH COMMUNITY SCHOOL
AUBURN RANCHERIA
Augustine Band of Mission Indians
Baca/Haystack Chapter
Bad River Band of Lake Superior Chippewa Indians of Wisconsin
BAHWETING ANISHINABE SCHOOL
Barona—Capitan Grande Diegueno Tribe
Barrow Village
Battle Mountain Band Council
Bay Mills Indian Community
Beadsprings Chapter
Bear River Band of Rohnerville Rancheria
BEATRICE RAFFERTY SCHOOL
Beaver Village
Becenti Chapter
Beclabito Chapter
Belkofski Village
BENTON PAIUTE RESERVATION
Berry Creek Rancheria of Maidu Indians
Bethel Native Council
Big Lagoon Rancheria
Big Pine Band of the Owens Valley
Big Sandy Rancheria of Mono Indians
Big Valley Rancheria
Bill Moore's Slough
Birch Creek Village
Birdsprings Chapter
Bishop Indian Tribal Council
Black Mesa Chapter
BLACK MESA COMMUNITY SCHOOL
Blackfeet Tribe

Blue Lake Rancheria
BOARD OF DIRECTORS TRENTON INDIAN SERVICE AREA
Bodaway Chapter
Bois Forte Reservation Business Committee
BOQUE CHITTO ELEMENTARY SCHOOL
Brevig Mission Village
Bridgeport Paiute Indian Colony
Buckland Village (IRA)
Buena Vista Rancheria of Mewuk Indians
BUG-O-NAY-GE-SHIG SCHOOL
Burnham Chapter
Burns-Paiute General Council
BUTTE COUNTY OFFICE OF EDUCATION
Cabazon Band of Mission Indians
Cachil Dehe Band of Wintun Indians
Caddo Tribe of Oklahoma
Cahto Indian Tribe
Cahuilla Band of Indians
Cameron Chapter
Campo Band of Mission Indians
Canoncito Chapter
Cantwell Village
Capitan Grande Band of Mission Indians
CARSON COLONY COMMUNITY COUNCIL
Casamero Lake Chapter
Catawba Indian Nation
CATAWBA INDIAN TRIBE
Cayuga Nation
CEDARVILLE RANCHERIA
Cedarville Rancheria of Northern Paiute Indians
Tlingit and Haida Central Council
CENTRAL TRIBES OF THE SHAWNEE AREA INC
CENTRAL UNION ELEMENTARY SCHOOL DISTRICT
Chalkyitsik Village
CHAWANAKEE JOINT UNITED SCHOOL DISTRICT
Chefornak Village
CHEHALIS BUSINESS COUNCIL
Chemehuevi Tribal Council
Chenega Bay Village (IRA)
Cher-Ae Heights Indian Community
CHEROKEE BOY'S CLUB INC
CHEROKEE CENTRAL ELEMENTARY SCHOOL
Cherokee Nation of Oklahoma
Chevak Village
Cheyenne River Sioux Tribe
Cheyenne-Arapaho Tribe
Chichiltah Chapter
Chickaloon Village
Chickasaw Nation of Oklahoma
Chicken Ranch Band of Me-Wuk Indians
CHICO RANCHERIA
CHIEF LESCHI SCHOOL SYSTEM(PUYALLUP)
Chignik Lagoon Village
Chignik Lake Village
Chignik Village
Chilkat Indian Village (IRA)
Chilkoot Indian Assn (IRA)
Chinik Eskimo Community
Chinlchinbeto Chapter
Chinle Chapter
Chippewa-Cree Tribe
Chistochina Village
CHITIMACHA DAY SCHOOL
Chitimacha Tribe of Louisiana
Chitina Village
CHOCTAW CENTRAL MIDDLE SCHOOL
Choctaw Nation of Oklahoma
CHOTAW CENTRAL HIGH SCHOOL
CHOTAW FIELD OFFICE
Chuathbaluk Village
CHUGACH REGIONAL RESC COMMISSION
CHUGACHIUT INC
Chuloonawick Native Village
Church Rock Chapter
CIBECUE COMMUNITY SCHOOL
Circle Native Community (IRA)
CIRCLE OF LIFE SURVIVAL SCHOOL
CIRCLE OF NATIONS WAHPETON—INDIAN BOARDING SCHOOL
Citizen Band Potawatomi Tribe
Clarks Point Village
Cloverdale Rancheria of Pomo Indians
CLOVIS UNIFIED SCHOOL DISTRICT
Coalmine Mesa Chapter
Coast Indian Community (Resighini Rancheria)
Cochiti Pueblo
Cocopah Tribal Council
Coeur d'Alene Tribal Council
COEUR D'ALENE TRIBAL SCHOOL
Cold Springs Rancheria of Mono Indians
Colorado River Tribal Council
COLUSA COUNTY OFFICE OF EDUCATION
COLUSA RANCHERIA
COLVILLE BUSINESS COUNCIL
Comanche Tribe of Oklahoma
CONEHATTA ELEMENTARY SCHOOL
Confederated Salish & Kootenai Tribal Council
Confederated Tribes of Coos, Lower Umpqua, & Siuslaw Indians
Confederated Tribes of Siletz of Oregon
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Grand Ronde Tribal Council
Confederated Tribes of The Warm Springs Reservation
Confederated Tribes of Umatilla Indian Reservation
CONSORTIUM INC
COOK INLET TRIBAL COUNCIL
Copper Center Village
COPPER RIVER NATIVE ASSOCIATION INC
Coppermine
Coquille Indian Tribe
Cornfields Chapter
Cortina Indian Rancheria of Wintun Indians
Council Village
Counselor Chapter
COUNTY INDIAN HEALTH INC
Coushatta Tribe
Cove Chapter
Cow Creek Band of Umpqua Indians
Coyote Canyon
Coyote Valley Tribal Council
Craig Community Assn (IRA)
Crooked Creek Village
Crow Creek Sioux
CROW CREEK SIOUX TRIBAL HIGH SCHOOL
Crow Tribe of Indians of Montana
Crownpoint Chapter
Crystal Chapter
Cudeii Chapter
CURYUNG TRIBAL COUNCIL
Cuyapaipe Band of Mission Indians
Deering Village (IRA)
Delaware Tribe of Indians of East OK
Delaware Tribe of Western Oklahoma
DELAWARE TRUST BOARD
Dennehotso Chapter
Dilkon Chapter
Dillingham Village
Diomede Village (IRA)
Dot Lake Village
Douglas Indian Assn (IRA)
Dry Creek Rancheria
DUCK VALLEY SHOSHONE-PAIUTE TRIBES
DUCKWATER SHOSHONE ELEMENTARY SCHOOL
Duckwater Shoshone Tribal Council
Eagle Village (IRA)
Eastern Band Of Cherokee Indians
Eastern Shawnee Tribe Of Oklahoma
Eastern Shoshone Tribe
Eek Village
Egegik Village
EIGHT NORTHERN INDIAN PUEBLOS COUNCIL
Eklutna Village
Ekuk Village
Ekwok Village
Elem Indian Colony of Pomo Indians
Elim Village (IRA)
Elk Valley Rancheria
Elko Band Council
Ely Indian Colony of Western Shoshone
Emmonak Village
ENEMY SWIM DAY SCHOOL
Enterprise Rancheria of Estom Yumeka Maidu
Evansville Village
Eyak Village
FAIRBANKS NATIVE ASSOCIATION
Fallon Colony
False Pass Village
FLAGSTAFF DORMITORY
Flandreau Santee Sioux
FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA
FOND DU LAC OJIBWE SCHOOL
Fond du Lac Reservation Business Committee
Forest County Potawatomi Executive Council
Forest Lake Chapter
Fort Belknap Tribal Council
Fort Bidwell Indian Community of Paiute Indians
Fort Defiance Chapter
FORT HALL BUSINESS COUNCIL
Fort Independence Paiute Indian Community
Fort McDermitt Tribal Council
Fort McDowell Mohave-Apache Indian Community
Fort Mojave Indian Tribe
FORT PECK TRIBAL EXECUTIVE BOARD
Fort Sill Apache Tribe of Oklahoma
Fort Yukon Village (IRA)
Gakona Village
Galena Village
Gambell Village
Ganado Chapter
Georgetown Village
Gila River Pima-Maricopa Indian Community Council
Goodnews Bay Village
Confederated Tribes of the Goshute Reservation
Grand Portage Reservation Business Committee
Grand Traverse Band of Ottawa & Chippewa Indians
Grayling Village (IRA) (Holikachuk)
GREASEWOOD SPRINGS COMMUNITY SCHOOL INC
Greenville Rancheria of Maidu Indians
GREYHILLS ACADEMY HIGH SCHOOL
Grindstone Indian Rancheria of Wintun-Nomolaki

Fort Belknap Indian Community Gros Ventre & Assiniboine Tribes
Guidiville Band of Pomo Indians
Gulkana Village
Hamilton Village
HANNAHVILE INDIAN SCHOOL
Hannahville Indian Community Council
Hard Rock Chapter
HAVASUPAI SCHOOL
Havasupai Tribal Council
Healy Lake Village
Ho-Chunk Nation
Hogback Chapter
Hoh Tribe
Holy Cross Village
Hoonah Indian Assn (IRA)
Hoopa Valley Tribe
Hooper Bay Village
HOPI DAY SCHOOL
HOPI HIGH SCHOOL
Hopi Tribal Council
Hopland Band of Pomo Indians
HOTEVILLA BACAVI COMMUNITY SCHOOL
Houck Chapter
Houlton Band of Maliseet Indians
Hualapai Tribal Council
Huerfano Chapter
Hughes Village
HURON POTAWATOMI INC
Huslia Village
Hydaburg Cooperative Assn (IRA)
Igiugig Village
Iliamna Village
Inaja-Cosmit Band of Mission Indians
INDIAN CHILD & FAMILY SERVICES
INDIAN HEALTH COUNCIL INC
INDIAN ISLAND SCHOOL
INDIAN TOWNSHIP SCHOOL
INDIAN TOWNSHIP—PASSAMAQUODDY
Indian Wells Chapter
Inscription House Chapter
INTER–TRIBAL COUNCIL OF CA INC
INUPIAT COMMUNITY OF ARCTIC SLOPE (IRA)
Ione Band of Miwok Indians
Iowa Tribe Of Kansas–Nebraska
Iowa Tribe of Oklahoma
Iqurmuit Village (Russian Mission)
Isleta Pueblo
Ivanof Bay Village
Iyanbito Chapter
Jackson Band of Mi-Wuk Indians
JACKSON RANCHERIA
Jamestown S'Klallam Tribal Council
Jamul Indian Village
Jeddito Chapter
Jemez Pueblo
Jena Band of Choctaws
Jicarilla Apache Tribe
JICARILLA DORMITORY
JOINT TRIBAL COUNCIL
Kaguyak Village
Kaibab-Paiute Tribal Council
Kaibeto Chapter
Kake Village
Kaktovik Village
Kalispel Tribe
Kalskag Village
Kaltag Village
Kanatak Native Village
Karluk Village (IRA)
Karuk Tribe of California
Kasaan Village (IRA)
Kashia Band of Pomo Indians
Kasigluk Village
Kaw Nation of Oklahoma
KAWERAK INC
Kayenta Chapter
Kenai Village (IRA)
Ketchikan Indian Corporation (IRA)
Keweenaw Bay Indian Community
Kialegee Tribal Town
Kiana Village
KIAWOCK CORPORATIVE ASSN (IRA)
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Kansas
Kickapoo Tribe of Oklahoma
King Cove Village
King Island Native Community (IRA)
KINGS CANYON UNIFIED SCHOOL DISTRICT
Kinlichee Chapter
Kiowa Tribe of Oklahoma
Kipnuk Village
Kivalina Village (IRA)
Klagetoh Chapter
Klamath General Council
Klawock Cooperative Assn (IRA)
Knik Village
Kobuk Village
KODIAK AREA NATIVE ASSOCIATION
KODIAK TRIBAL COUNCIL
Kokhanok Village
Koliganek Village
Kongiganak Village
Kootenai Tribal Council
Kotlik Village
Kotzebue Village (IRA)
Koyuk Village (IRA)
Koyukuk Village
KUIGPAGMIUT INC
KUSKOKWIM NATIVE ASSOCIATION
Kwethluk Village (IRA)
Kwigillingok Village (IRA)
Kwinhagak Village (IRA) (Aka Quinhagak)
La Jolla Band of Indians
La Posta Band of Mission Indians
Lac Courte Oreilles Indian Reservation
LAC COURTE OREILLES OJIBWA SCHOOL
Lac du Flambeau Tribal Council
Lac Vieux Desert Band of Lake Superior Chippewa
LAGUNA MIDDLE SCHOOL
Laguna Pueblo
Lake Valley Chapter
Larsen Bay Village
Las Vegas Tribal Council
LAYTONVILLE RANCHERIA
LeChee Chapter
Leech Lake Reservation Business Committee
Leisnoi Village (aka Woody Island)
Leupp Chapter
LEUPP SCHOOLS INC
Levelock Village
Lime Village
Little River Band of Ottawa Indians Inc
LITTLE SINGER COMMUNITY SCHOOL
Little Traverse Bay Bands of Odawa Indians
Little Water Chapter
LITTLE WOUND SCHOOL
LONE PINE RESERVATION
LONEMAN DAY SCHOOL
Los Coyotes Band of Mission Indians
LOUDEN TRIBAL COUNCIL
Lovelock Tribal Council
Low Mountain
LOWER BRULE DAY SCHOOL
Lower Brule Sioux
Lower Elwha Community Council
Lower Greasewood Chapter
Lower Kalskag Village
Lower Sioux Indian Community Council
LOWER SIOUX INDIAN COMMUNITY OF MINNESOTA
Lukachukai Chapter
Lummi Nation
LUMMI TRIBAL SCHOOL SYSTEM
Lupton Chpter
Lytton Band of Pomo Indians
MAINEINDIAN EDUCATION
Makah Tribal Council
MAKAH TRIBE
Manchester-Point Arena Band of Pomo Indians
MANDAREE DAY SCHOOL
MANIILAQ ASSOCIATION
Manley Hot Springs Village
Manokotak Village
Manuelito Chapter
Many Farms Chapter
Manzanita Band of Mission Indians
Mariano Lake Chapter
Marshall Village
MARTY INDIAN SCHOOL
MARYSVILLE JOINT UNION SCHOOL DISTRICT
Mashantucket Pequot Tribe
Mc Grath Native Village
Mechoopda Indian Tribe
Mekoryuk Village (IRA)
MENOMINEE FORESTRY CENTER
Menominee Indian Tribe of Wisconsin
MENOMINEE TRIBAL SCHOOL
Mentasta Lake Village
Mesa Grande Band of Mission Indians
MESCALERO APACHE SCHOOL
Mescalero Apache Tribe
Metlakatla Indian Community Council
Mexican Springs Chapter
Mexican Water Chapter
Miami Tribe of Oklahoma
MICCOSUKEE INDIAN SCHOOL
Miccosukee Tribe of Florida Indians
Middletown Rancheria of Pomo Indians
Mille Lacs Reservation Business Committee
Minnesota Chippewa Tribal Executive Committee
Minto Village (IRA)
Mississippi Band of Choctaw Indians
Moapa Business Council
Modoc Tribe of Oklahoma
MOHAVE-APACHE COMMUNITY COUNCIL
Mohegan Tribe of Indians of Connecticut
Mooretown Rancheria
Morongo Band of Mission Indians
Muckleshoot Tribal Council
MUCKLESHOOT TRIBAL SCHOOL
Muscogee (Creek) Nation of Oklahoma
Nageezi Chapter
Nahodishgish/Dalton Pass Chapter
Naknek Village
Nambe Pueblo
Nanwalek Village (IRA)
Napaimute Village
Napakiak Village (IRA)
Napaskiak Village
Narragansett Indian Tribe
Naschitti Chapter
NATIVE AMERICAN FAMILY SERVICES INC
Navajo Mountain
Navajo Nation
NAVAJO PREPARATORY SCHOOL
NAY–AH–SHING SCHOOL
Nazlini Chapter
Nelson Lagoon Village
Nenahnezah Chapter

Nenana Village
NETT LAKE RESERVATION (BOIS FORTE) TRIBE
NEW KOLIGANEK VILLAGE COUNCIL
New Lands (Nahathdzill) Chapter
New Stuyahok Village
Newcomb Chapter
Newhalen Village
Newtok Village
Nez Perce Tribe
Nightmute Village
Nikolai Village
Nikolski Village (IRA)
Ninilchik Village
Nisqually Indian Community Council
Noatak Village (IRA)
NOLI SCHOOL
NOME ESKIMO COMMUNITY
Nome Eskimo Community (IRA)
Nondalton Village
Nooksack Indian Tribal Council
Noorvik Village (IRA)
NOOTSACK INDIAN TRIBAL COUNCIL
North Fork Rancheria of Mono Indians
NORTHEN PUEBLOS TRIBUTARY WATER RIGHTS ASSOCIATION
NORTHERN CHEYENNE TRIBAL SCHOOLS
Northern Cheyenne Tribe
Northway Village
NORTHWEST INDIAN FISHERIES COMMISSION
Northwestern Band of Shoshoni Nation
Nottawaseppi Huron Potawatomi Band
Nuiqsut Village
Nulato Village
Nunapitchuk Village (IRA)
Oak/Pine Springs Chapter
Oglala Sioux Tribe
Ohogamiut Village
OJIBWA INDIAN SCHOOL
Ojo Encino Chapter
Old Harbor Village
Oljato Chapter
Omaha Tribe of Nebraska
Oneida Indian Nation Of New York
Oneida Tribal Council of Wisconsin
ONEIDA TRIBAL SCHOOL
Onondaga Nation
ORUTSARARMUIT NATIVE COUNCIL
Osage Tribe of Indians of Oklahoma
Oscarville Village
Otoe-Missouria Tribal Council
Ottawa Tribe of Oklahoma
Ouzinkie Village
OWENS VALLEY CAREER DEVELOP CENTER
OWENS VALLEY INDIAN WATER COMMISSION
Paimiut Village
Paiute Indian Tribe Of Utah
Paiute-Shoshone Indians of the Lone Pine Community
Pala Band of Mission Indians
PASCHAL SHERMAN INDIAN SCHOOL
Pascua Yaqui Tribal Council
Paskenpa Band of Nomelaki Indians
Passamaquoddy Tribe—Indian Township
Passamaquoddy Tribe—Pleasant Point
Pauloff Harbor Village
Pauma Band of Mission Indians
Pawnee Tribe of Oklahoma
Pechanga Band of Lusieno Mission Indians
Pedro Bay Village
Penobscot Nation
Peoria Indian Tribe of Oklahoma
Perryville Village (IRA)
Petersburg Indian Assn (IRA)
Picayune Rancheria of Chukchansi Indians
Picuris Pueblo
PIERRE INDIAN LEARNING CENTER
Pilot Point Village
Pilot Station Village
Pine Dale Chapter
PINE HILLS DAY SCHOOL
Pinoleville Band of Pomo Indians
Pinon Chapter
PINON COMMUNITY SCHOOL BOARD INC
Pit River Tribe of California
Pit River Tribe of California—Big Bend
Pit River Tribe of California—Likely
Pit River Tribe of California—Lookout
Pit River Tribe of California—Montgomery Creek
Pit River Tribe of California—Roaring Creek
Pit River Tribe of California—XL
Pitka's Point Village
Platinum Traditional Village
Poarch Band of Creek Indians
Point Hope Village (IRA)
Point Lay Village (IRA)
POINT NO POINT TREATY COUNCIL
Pojoaque Pueblo
Pokagon Band of Potawatomi Indians of Michigan
Ponca Tribe of Nebraska
Ponca Tribe of Oklahoma
PORCUPINE DAY SCHOOL
Port Gamble S'Klallam Tribe
Port Graham Village
Port Heiden Village
Port Lions Village
Portage Creek Village
Potter Valley Rancheria of Pomo Indians
Prairie Band Potawatomi Tribe of Kansas
Prairie Island Community Council
Pribilof Islands Aleut Communities
Pueblo Pintado
PUEBLO OF SANTA CLARA
Puyallup Tribal Council
PYRAMID LAKE HIGH SCHOOL
Pyramid Lake Paiute Tribal Council
Qagun Tayagungin Sand Point
Qawalangin Tribe (of Unalaska)
Quapaw Tribe of Oklahoma
Quartz Valley Indian Community
Quechan Tribal Council
Quileute Tribal Council
QUILEUTE TRIBAL SCHOOL
Quinault Indian Nation
RAMAH NAVAJO SCHOOL BOARD INC
Ramah-Navajo Chapter
RAMONA
Ramona Band of Mission Indians
Rampart Village
REAL RIVER ELEMENTARY SCHOOL
Red Cliff Tribal Council
Red Devil Village
Red Lake Band of Chippewa Indians
Red Lake Chapter
Red Mesa Chapter
Red Rock Chapter
Red Valley Chapter
RED WATER ELEMENTARY SCHOOL
Redding Rancheria
Redwood Valley Rancheria
Reno-Sparks Indian Colony
RESERVATION FIRE PROTECTION DISTRICT
RICHFIELD DORMITORY
Rincon San Luiseno Band of Mission Indians
ROBINSON RANCHERIA
Robinson Rancheria Business Council
Rock Point Chapter
ROCK POINT COMMUNITY SCHOOL
Rock Springs Chapter
ROSEBUD DORMITORIES
Rosebud Sioux Tribe
ROSELAND SCHOOL DISTRICT
Rough Rock Chapter
ROUGH ROCK COMMUNITY SCHOOL
Round Rock Chapter
Round Valley Tribes
ROUNDHOUSE COUNCIL
Ruby Village
Rumsey Indian Rancheria of Wintun Indians
SAC & FOX SETTLEMENT SCHOOL
Sac and Fox Nation of Oklahoma
Sac and Fox of Missouri Tribal Council
SAC AND FOX TRIBAL OF THE MISSISSIPPI IN IOWA
Sac and Fox Tribe of the Mississippi in Iowa
Saginaw Chippewa Tribal Council
Saint George Village
Saint Michael Village (IRA)
Saint Paul Village
Salamatof Village
Salt River Pima-Maricopa Indian Tribe
Samish Tribe of Indians
San Carlos Apache Tribal Council
San Felipe Pueblo
San Ildefonso Pueblo
San Juan Chapter
San Juan Pueblo
San Juan Southern Paiute Council
SAN LORENZO UNIFIED SCHOOL DISTRICT
San Manuel Band of Mission Indians
San Pasqual Band of Mission Indians
SAN XAVIER DISTRICT OF THE TOHONO O'ODHAM NATION
Sandia Pueblo
Sanostee Chapter
Santa Ana Pueblo
Santa Clara Pueblo
SANTA CLARA UNIFIED SCHOOL DISTRICT
SANTA FE INDIAN SCHOOL
Santa Rosa Band of Cahuilla Indians
Santa Rosa Indian Community
Santa Ynez Band of Mission Indians
SANTA YNEZ INDIAN HEALTH CLINIC
Santa Ysabel Band of Diegueno Indians
Santee Sioux Tribe of Nebraska
Santo Domingo Pueblo
Sauk-Suiattle Tribal Council
Sault Ste Marie Chippewa Tribal Council
Savoonga Village (IRA)
Sawmill Chapter
Saxman Village (IRA)
Scammon Bay Village
Scotts Valley Band of Pomo Indians
SECOND MESA DAY SCHOOL
Selawik Village (IRA)
Seldovia Village Tribe (IRA)
Seminole Nation of Oklahoma
Seminole Tribe of Florida
Seneca Nation of Indians
Seneca-Cayuga Tribe of Oklahoma
Shageluk Village (IRA)
SHAKOPEE MDEWAKANTON SIOUX COMMUNITY
Shakopee Sioux Business Council
Shaktoolik Village (IRA)
Sheep Ranch Band of Me-Wuk Indians
Sheepsprings Chapter
Sheldon Point Village
Sherwood Valley Rancheria
Shingle Springs Rancheria

Shiprock Chapter
SHIPROCK NORTHWEST HIGH SCHOOL
SHIPROCK RESERVATION DORMITORY
Shishmaref Village (IRA)
Shoalwater Bay Tribal Council
SHO-BAN SCHOOL DISTRICT NO 512
Shonto Chapter
SHONTO PREPARATORY SCHOOL
SHOSHONE BUSINESS COUNCIL
Shoshone Paiute Business Council
Shoshone-Bannock Tribe
Shungnak Village (IRA)
SINTE GLESKA COLLEGE
Sisseton-Wahpeton Sioux Tribe
Sitka Village (IRA)
Skagway Traditional Council
Skokomish Tribal Council
SKULL VALLEY BAND OF GOSHUTE INDIANS
Skull Valley General Council
Sleetmute Village
Smith Lake Chapter
Smith River Rancheria of California
Soboba Band of Mission Indians
SOBOBO BAND OF MISSION INDIANS
Sokaogon Chippewa Tribal Council
SOLOMON TRADITIONAL COUNCIL
Solomon Village
South Fork Band Council
South Naknek Village
SOUTHERN CALIFORNIA INDIAN CENTER
SOUTHERN CALIFORNIA TRIBAL CHAIRMAN'S ASSOCIATION INC
SOUTHERN INDIAN HEALTH COUNCIL INC
Southern Ute Tribe
Spirit Lake Sioux Tribe
Spokane Tribe
Squaxin Island Tribal Council
ST FRANCIS INDIAN SCHOOL
ST GEORGE ISLAND
ST STEPHENS INDIAN SCHOOL
St. Croix Council of Wisconsin
St. Micheals
St. Regis Mohawk Tribe
STANDING PINE ELEMENTARY SCHOOL
Standing Rock Chapter
Standing Rock Sioux Tribe
STAR ROUTE BOX 158
Steamboat
Stebbins Village (IRA)
Stevens Village (IRA)
STEWART COMMUNITY COUNCIL
STEWARTS POINT RANCHERIA
Stillaguamish Board of Directors
Stockbridge-Munsee Tribal Council
STOCKTON UNIFIED SCHOOL DISTRICT
Stoney River Village
SUMMERVILLE ELEMENTARY SCHOOL
Summit Lake Paiute Council
Suquamish Tribal Council
Susanville Indian Rancheria
Sweetwater Chapter
Swinomish Indian Tribal Community
Sycuan Band of Mission Indians
Table Bluff Reservation of Wiyot Indians
Table Mountain Rancheria
Tachee/Blue Gap Chapter
TAKINA SCHOOL
Takotna Village
Tanacross Village (IRA)
TANANA CHIEFS CONFERENCE INC
Tanana Village (IRA)
Taos Pueblo
TATE TOPA TRIBAL SCHOOL (FOUR WINDS)
Tatitlek Village (IRA)
Tazlina Village
TeecNosPos Chapter
Teesto Chapter
Telida Village
Teller Village
Te-Moak Tribe of Western Shoshone
Tesuque Pueblo
Tetlin Village (IRA)
THE HOPI CREDIT ASSOCIATION
THEODORE JAMERSON ELEMENTARY SCHOOL
THEODORE ROOSEVELT SCHOOL
Thlopthlocco Tribal Town
Thoreau Chapter
Three Affiliated Tribes
Timbisha Shoshone Band
TIOSPA ZINA TRIBAL SCHOOL
Togiak Village
Tohatchi Chapter
TOHONO O'ODHAM HOUSING AUTHORITY
Tohono O'Odham Tribal Council
TOIYABE INDIAN HEALTH PROJECT INC
Toksook Bay Village
Tolani Lake Chapter
Tonalea Chapter
Tonawanda Band of Senecas
Tonkawa Tribe of Oklahoma
Tonto Apache Tribal Council
Torreon/Star Lake Chapter
Torres-Martinez Band of Mission Indians
TRENTON SCHOOL
TRINIDAD RANCHERIA
Tsaile/Wheatfields Chapter
Tsayatoh Chapter
Tselani/Cottonwood Chapter
Tuba City Chapter
TUCKER ELEMENTARY SCHOOL
Tulalip Tribes of Washington
Tule River Indian Tribe
Tuluksak Village (IRA)
Tunica-Biloxi Indian Tribe Of Louisiana
Tuntutuliak Village
Tununak Village (IRA)
TUOLUMNE RANCHERIA
Turtle Mountain Band of Chippewa
TURTLE MOUNTAIN COMMUNITY COLLEGE
TURTLE MOUNTAIN HIGH SCHOOL
Tuscarora Nation
TUSCARORA NATION
Twenty-Nine Palms Band of Mission Indians
TWIN BUTTES DAY SCHOOL
Twin Hills Village
Twin Lakes Chapter
TWO EAGLE RIVER SCHOOL
Two Grey Hills Chapter
Tyonek Village (IRA)
U tu Utu Gwaitu Paiute Tribe
Ugashik Village
Uintah and Ouray Tribal Business Committee
UMKUMIUT NATIVE VILLAGE
Unalakleet Village (IRA)
UNGA TRIBAL COUNCIL
Unga Village
United Auburn Indian Community
UNITED CROW BAND INC
United Keetoowah Band in Oklahoma
UNITED SIOUX TRIBES
UNITED TRIBES TECHNICAL COLLEGE
UNITED VILLAGES INC
Upper Fruitland Chapter
Upper Lake Band of Pomo Indians
UPPER LAKE RANCHERIA
Upper Sioux Community
Upper Skagit Tribal Council
UTE INDIAN TRIBE
Ute Mountain Ute Tribe
VALDEZ NATIVE ASSOCIATION
Venetie Tribal Government
Venetie Village (IRA)
VIEJAS (BARON LONG)
Viejas Band of the Kumeyaay Nation
WA HE LUT INDIAN SCHOOL
Wainwright Village
Wales Village (IRA)
Walker River Paiute Tribal Council
Wampanoag Tribe of Gay Head (Aquinnah)
Washoe Tribe—Carson Colony Community Council
Washoe Tribe—Dresslerville Community Council
Washoe Tribe—Stewart Community Council
Washoe Tribe—Woodfords Colony
Washoe Tribe of Nevada and California
Wells Indian Colony Band Council
WESTERN APACHE CONSTRUCTION COMPANY
Whippoorwill
White Cone
White Earth Reservation Business Committee
White Mountain Apache Tribal Council
White Mountain Village (IRA)
White Rock Chapter
WHITE SHIELD SCHOOL
Whitehorse Lake
Wichita and Affiliated Tribes
WICHITA AND AFFILIATED TRIBES
Wide Ruins Chapter
Winnebago Tribe of Nebraska
Winnemucca Colony Indian Reservation
WOODFORDS COMMUNITY COUNCIL
WOUNDED KNEE DISTRICT SCHOOL
Wrangell Cooperative Assn (IRA)
Wyandotte Tribe of Oklahoma
Yakama Tribal Council
YAKAMA TRIBAL SCHOOL
Yakutat Village
Yankton Sioux Tribe
Yavapai-Apache Nation
Yavapai-Prescott Board of Directors
Yerington Paiute Tribal Council
Yomba Tribal Council
Ysleta Del Sur Pueblo
Yupiit of Andreafski
Yurok Tribe of California
Zia Pueblo
Zuni Pueblo

[FR Doc. 00–2205 Filed 2–1–00; 8:45 am]
BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–010–0777–XQ]

Notice of Public Meeting

AGENCY: Lower Snake River District, Bureau of Land Management, Interior.

ACTION: Meeting notice.

SUMMARY: The Lower Snake River District Resource Advisory Council will meet in Boise to discuss sage grouse habitat management, proposed land exchanges, grazing allotment assessments in the Jarbidge Resource Area, and other issues.

DATES: February 22, 2000. The meeting will begin at 9 am. Public comment periods will be held at 9:30 am and 4 pm.

ADDRESSES: The meeting will be held at the Lower Snake River District Office, located at 3948 Development Avenue, Boise, Idaho.

FOR FURTHER INFORMATION CONTACT: Barry Rose, Lower Snake River District Office, 208–384–3393.

Dated: January 24, 2000.

Katherine Kitchell,

District Manager.

[FR Doc. 00–2202 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–910–1410–PG]

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Alaska Resource Advisory Council meeting.

SUMMARY: The Alaska Resource Advisory Council will conduct an open meeting Thursday, February 24, 2000, from 10 a.m. until 4:30 p.m. and Friday, February 25, 2000, from 9 a.m. until 3 p.m. The council will review BLM land management issues and take public comment on those issues. The meeting will be held at the Campbell Creek Science Center, located at 68th Avenue and Abbott Loop Road in Anchorage.

Public comment will be taken from 1–2 p.m. Thursday, February 24. Written comments may be submitted at the meeting or mailed to the address below prior to the meeting.

ADDRESSES: Inquiries about the meeting should be sent to External Affairs, Bureau of Land Management, 222 W. 7th Avenue, #13, Anchorage, AK 99513–7599.

FOR FURTHER INFORMATION CONTACT: Teresa McPherson, (907) 271–5555.

Dated: January 5, 2000.

Francis R. Cherry, Jr.,

State Director.

[FR Doc. 00–2204 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–JA–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK–040–00–1410–00; AA–64705]

Realty Action; FLPMA Section 302 Lease, Farewell Area

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Realty Action, Lease of Public Land.

SUMMARY: Phillip Esai and John Runkle (Applicants) have submitted an application to renew their Commercial Occupancy Lease of public land pursuant to section 302 of the Federal Land Policy and Management Act of 1976 and regulations at 43 CFR Part 2920. The leased land would be used to support the Applicant's commercial hunting operations and their personal traditional and customary subsistence activities.

The land is located approximately 60 miles southeast of McGrath along Khuchaynik Creek at the base of the Trimokish Hills and is more particularly described as follows:

Seward Meridian, Alaska

T. 27 N., R. 27 W., unsurveyed)
Section 35, NE¼SW¼NE¼, E½NE¼SW¼NE¼

Containing approximately 2.0 acres, more or less.

SUPPLEMENTARY INFORMATION: This is a Notice of a proposal to renew an existing lease. No new applications will be accepted.

This Notice of Realty Action proposes to renew a Commercial Occupancy Lease upon which the Applicants have constructed the following improvements on the land:

1 Bunk House
2 Cabins
1 Cook House
1 Log Steam Bath
1 Meat Rack
2 Outhouses
5 Tent Frames
1 Tool Shed
2 Wood Sheds

The Applicants have in their possession the following State and Federal authorizations:

Alaska Business License
Guide Outfitter License
Special Recreation Permit

The proposed lease renewal will be offered to the Applicants for a term of 20 years and will require rent to be paid to the United States at no less than fair market value.

DATES: Interested parties may submit comments for a period of 45 days from the publication of this Notice to the Field Manager, Anchorage Field Office, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599. In the absence of a timely objection, this proposal shall become the final decision of the Department of the Interior.

FOR FURTHER INFORMATION CONTACT: Shirley Rackley, Anchorage Field Office, Bureau of Land Management, 6881 Abbott Loop Road, Anchorage, Alaska 99507–2599; (907) 267–1289 or (800) 478–1263.

Dated: January 11, 2000.

Nick Douglas,

Field Manager.

[FR Doc. 00–2201 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–JA–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–030–2000–1060–JJ]

Notice of Intent To Remove Stray Wild Horses (Modification of Previous Notice)

SUMMARY: The Rawlins Field Office of the Bureau of Land Management published a Notice of Intent to remove stray wild horses in Vol. 64, No. 249, page 73605 of the **Federal Register**, on December 31, 1999. That notice also made the detailed technical and National Environmental Policy Act (NEPA) documentation that supported the action available to the public, upon request. Subsequently, it was determined that the referenced NEPA documentation, WY–030–EA0–038, was partially based on the contents of another NEPA document, WY–030–EA0–037, which was subject to public review and comment until February 12, 2000. In order to provide the public with ample opportunity to review and comment on WY–030–EA0–037 and to maintain an ordered sequence of events, the comment period for WY–030–EA0–037 was extended until close-of-business, February 18, 2000. Concurrent with that action, the site-specific Gather Plan, which was part of the documentation referenced in the December 31 notice, was modified as follows: On page 5 in the first sentence of the section titled DATE(s), the date February 15 is changed to February 22. All other dates remain as stated originally and are unaffected by this modification. All parties to whom WY–030–EA0–037 was mailed for review and comment or who requested it or WY–030–EA0–038, were mailed a letter on January 21, 2000, notifying them of these changes.

FOR FURTHER INFORMATION CONTACT: For further information please contact the Bureau of Land Management, Rawlins Field Office, 1300 North Third Street, P.O. Box 2407, Rawlins, WY 82301, (307) 328–4200.

Dated: January 25, 2000.

Kurt J. Kotter,

Field Manager.

[FR Doc. 00–2203 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the National Park Service before January 22, 2000. Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by February 17, 2000.

Carol D. Shull,

Keeper of the National Register.

ARIZONA

Maricopa County

East Alvarado Historic District, (Residential Subdivisions and Architecture in Phoenix MPS) E. Alvarado Rd. bet. 3rd and 7th Sts., Phoenix, 00000102

Yavapai County

Ash Fork Maintenance Camp #1, Old Rte. 66-West end, Ash Fork, 00000103

Yuma County

Southern Pacific Railroad Passenger Coach Car—S.P. X7, 201 N. 4th Ave., Yuma, 00000101

ARKANSAS

White County

Titan II ICBM Launch Complex 373–5 Site, (Titan II ICBM Launch Complex Sites Associated with the 308th Strategic Missile Wing In Arkansas MPS) Approx. 0.5 mi. NE of AR 36, Center Hill, 00000100

COLORADO

Denver County

Wheeler House, 1917 W. 32nd Ave., Denver, 00000105

Jefferson County

Building 710, Defense Civil Preparedness Agency, Region 6 Operations Center, Denver Federal Center, Lakewood, 00000104

GEORGIA

Forsyth County

Cumming Public School—Cumming High School, 101 School St., Cumming, 00000107

McDuffie County

Hayes Line Historic District, Jct. of Twin Oaks Rd. and GA 233, Thomson, 00000106

KANSAS

Finney County

Bungalow Historic District, 1001, 1005, 1007, 1009, 1011 N. Fourth St., Garden City, 00000110

Wyandotte County

Castle Rock, 852 Washington Blvd., Kansas City, 00000109

Shafer, Theodore, House, 2418 N.10th St., Kansas City, 00000108

MASSACHUSETTS

Berkshire County

Coleman Bridge, Windsor Bush Rd. over Phelps Brook, Windsor, 00000112

Middlesex County

Hydrant No. 3 House, Washington St., Holliston, 00000113

Norfolk County

Railway Village Historic District, Roughly along Adams St., from Mechanic and Church Sts., and Washington St., Milton, 00000111

MICHIGAN

Wayne County

Antietam Street—Grand Trunk Railroad, (Highway Bridges of Michigan MPS), Antietam St. over Grand Trunk Railroad, Detroit, 00000114

Chestnut Street—Grand Trunk Railroad, (Highway Bridges of Michigan MPS), Chestnut St. over Grand Trunk Railroad, Detroit, 00000115

Ferry Street—Thorofare Canal Bridge, (Highway Bridges of Michigan MPS), Ferry St. over Thorofare Canal, Grosse Ile, 00000118

Fort Street—Pleasant Street and Norfolk & Western Railroad Viaduct, (Highway Bridges of Michigan MPS), Fort St. over Pleasant St. and N&W RR., Detroit, 00000116

South Pointe Drive—Frenchman's Creek Bridge, (Highway Bridges of Michigan MPS), South Pointe Dr. over Frenchman's Creek, Grosse Ile, 00000117

NORTH CAROLINA

Catawba County

Hickory Municipal Building, 30 Third St., SW, Hickory, 00000119

SOUTH DAKOTA

Butte County

South Dakota Dept. of Transportation Bridge No. 10–270–338, (Historic Bridges in South Dakota MPS), Local Rd. over Horse Creek, Newell vicinity, 00000124

Deuel County

East Highland Lutheran Church, Approx 6 mi. NE of Brandt, Brandt vicinity, 00000120

Lincoln County

Skartvedt House, 224 E. 2nd St., Canton, 00000121

Minnehaha County

Lund, Daniel, House, 628 West 20th, Sioux Falls, 00000123

Welch, Laura M, House, (Lustron Houses in South Dakota MPS), 1218 S. Willow Ave., Sioux Falls, 00000122

TENNESSEE

Monroe County

McCroskey, John, House, 3224 Sweetwater-Vonore Rd., Sweetwater vicinity, 00000125

[FR Doc. 00–2227 Filed 2–1–00; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on November 22, 1999, ISP Freetown Fine Chemicals, Inc., 238 South Main Street, Freetown, Massachusetts 02702, made application by letter to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of 2,5-Dimethoxyamphetamine (7396), a basic class of controlled substance listed in Schedule I.

The firm plans to manufacture in bulk 2,5-dimethoxyamphetamine for conversion into a non-controlled substance.

Any other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 3, 2000.

Dated: December 22, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–2152 Filed 2–1–00 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Notice of Application

Pursuant to section 1301.33(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on October 19, 1999, Norac Company, Inc., 405 S. Motor Avenue, Azusa, California 91702, made application by renewal to the Drug Enforcement Administration (DEA) for registration as a bulk of manufacturer of tetrahydrocannabinols (7370), a basic class of controlled substance listed in Schedule I.

The firm plans to manufacture medication for the treatment of AIDS wasting syndrome and as an antiemetic.

And other such applicant and any person who is presently registered with DEA to manufacture such substance may file comments or objections to the issuance of the proposed registration.

Any such comments or objections may be addressed, in quintuplicate, to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, D.C. 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 3, 2000.

Dated: December 22, 1999.

John H. King,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 00–2153 Filed 2–1–00 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[INS No. 2033–99]

Notice of Intent To Prepare a Draft Environmental Impact Statement for the Implementation of Operation Rio Grande for the United States Border Patrol, McAllen, TX

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Notice of Intent to Prepare a Draft Environmental Impact Statement (DEIS).

SUMMARY:

Proposed Action

In furtherance of its mission to gain and maintain control of the border, in August 1997, the Immigration and Naturalization Service (INS), U.S. Border Patrol, McAllen, Texas, implemented Operation Rio Grande to prevent illegal entry and drug trafficking along the Rio Grande corridor between the United States and Mexico. Operation Rio Grande involves five project actions within the Border Patrol Stations of Rio Grande City, McAllen, Mercedes, Harlingen, Brownsville, and Port Isabel. Specifically, the project will enhance the mission of the U.S. Border Patrol along the Rio Grande corridor fencing, lighting, boat ramps, road improvements, and remote video surveillance systems.

These actions are intended to reduce, detect, and deter the influx of illegal entry and drugs into the McAllen Sector, especially into nearby towns, as well as to increase apprehensions, increase community safety, and provide increased safety of operations for agents. Also, this initiative will help reduce the risk of drowning as undocumented aliens attempt to swim across the river and irrigation canals.

In February 1998, the INS began to conduct an Environmental Assessment (EA) regarding Operation Rio Grande and in October 1998, a Draft EA was released for public comment. Due to the public's concerns regarding Operation Rio Grande's impacts to the Lower Rio Grande Valley, the INS agreed to prepare an environmental Impact Statement.

Alternatives

In developing the DEIS, the options of no action and alternatives for Operation Rio Grande will be fully and thoroughly examined.

Scoping Process

During the preparation of the DEIS, there will be numerous opportunities for public involvement in order to determine the issues to be examined. A scoping meeting will be held at a location convenient to the citizens of the Lower Rio Grande Valley. The meeting will be well publicized and held at a time which will make it possible for the public and interested agencies or organizations to attend. In addition, a number of informal meetings have already been held and will be continued by representatives of the INS with interested community leaders, officials, and citizens.

DEIS Preparation

Public notice will be given in the **Federal Register** concerning the availability of the DEIS for public review and comment.

FOR FURTHER INFORMATION CONTACT: Manny Rodriguez, Chief Policy and Planning, Immigration and Naturalization Service, Facilities and Engineering Division, 425 I Street, NW, Washington, DC 20536, Room 2060, Attn: Debra Hood, Telephone: 202–353–4386, or Eric Verwers, INS Architect and Engineering Resource Center, U.S. Army Corp of Engineers, Fort Worth District, P.O. Box 17300, Fort Worth, Texas, 76102–0300, Telephone: 817–978–0202.

Dated: January 18, 2000.

Doris Meissner,

Commissioner, Immigration and Naturalization Service.

[FR Doc. 00–2233 Filed 02–01–00; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

Vermont Yankee Nuclear Power Corporation; Notice of Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Hazards Consideration Determination, and Opportunity for a Hearing

[Docket No. 50–271]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–28 issued to Vermont Yankee Nuclear Power Corporation (the licensee) for operation of the Vermont Yankee Nuclear Power Station located in Vernon, Vermont.

The proposed amendment would redefine the functional testing criteria for the noble gas activity monitor instrumentation in the Augmented Off-Gas (AOG) system.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazards consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) Involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) Create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) Involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its

analysis of the issue of no significant hazards consideration, which is presented below:

1. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant increase in the probability or consequences of an accident previously evaluated.

The proposed change standardizes requirements and establishes consistency with other current TS [technical specifications] provisions. Since reactor operation under the revised Specification is unchanged, no design or analytical acceptance criteria will be exceeded. As such, this change does not impact initiators of analyzed events or assumed mitigation of accident or transient events. The structural and functional integrity of plant systems is unaffected. Thus, there is no significant increase in the probability or consequences of accidents previously evaluated.

2. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not create the possibility of a new or different kind of accident from any accident previously evaluated.

The proposed change does not affect any parameters or conditions that could contribute to the initiation of any accident. No new accident modes are created. No safety-related equipment or safety functions are altered as a result of these changes. Because it does not involve any change to the plant or the manner in which it is operated, the proposed change does not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. The operation of Vermont Yankee Nuclear Power Station in accordance with the proposed amendment will not involve a significant reduction in a margin of safety.

The proposed change does not affect design margins or assumptions used in accident analyses, and has no effect on any initial condition. The capability of safety systems to function and limiting safety system settings are similarly unaffected as a result of this change. Thus, the margins of safety required for safety analyses are maintained.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the amendment request involves no significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendment until the expiration of the 30-day notice period. However, should circumstances change during the notice period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 30-day notice period, provided that its final determination is that the amendment involves no significant hazards consideration. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance and provide for opportunity for a hearing after issuance. The Commission expects that the need to take this action will occur very infrequently.

Written comments may be submitted by mail to the Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and should cite the publication date and page number of this **Federal Register** notice. Written comments may also be delivered to Room 6D59, Two White Flint North, 11545 Rockville Pike, Rockville, Maryland, from 7:30 a.m. to 4:15 p.m. Federal workdays. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC.

The filing of requests for hearing and petitions for leave to intervene is discussed below.

By March 3, 2000, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov). If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made party to the proceeding; (2) The nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) The possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If a hearing is requested, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendment and make it immediately effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. David R. Lewis, Shaw, Pitttman, Potts and Trowbridge, 2300 N Street, NW., Washington, DC 20037–1128, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated January 20, 1999, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (http://www.nrc.gov).

Dated at Rockville, Maryland, this 27th day of January 2000.

For the Nuclear Regulatory Commission.

Richard P. Croteau,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–2232 Filed 2–1–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[50–461]

Amergen Energy Company, LLC; Clinton Power Station; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF–62, issued to AmerGen Energy Company, LLC (the licensee), for operation of the Clinton Power Station, located in DeWitt County, Illinois.

Environmental Assessment

Identification of the Proposed Action

The proposed action would approve changes to the Updated Safety Analysis Report (USAR) concerning design requirements for physical protection from tornado missiles for safety-related equipment.

The proposed action is in accordance with the licensee's application for amendment dated March 1, 1999.

The Need for the Proposed Action

During reviews of safety-related targets susceptible to tornado missile damage, it was identified that some building penetrations, ventilation openings, doors, and piping connected to the reactor core isolation cooling storage tank are not protected from tornado missiles. An analysis was performed to demonstrate that the probability of damage due to tornado missiles striking safety-related equipment is acceptably low. Therefore, the proposed action is needed to avoid unnecessary construction of tornado missile protection.

Environmental Impacts of the Proposed Action

The Commission has evaluated the proposed action and concludes that there will be no physical change to the plant as-built; therefore, there will be no environmental impacts due to construction.

With regard to plant design, the proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Clinton Power Station.

Agencies and Persons Consulted

In accordance with its stated policy, on December 28, 1999, the staff consulted with the Illinois State official, Joseph Brittin, of the Illinois Department of Nuclear Safety, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated March 1, 1999, which is available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and accessible electronically through the ADAMS Public Electronic Reading Room link at the NRC Web site (*http://www.nrc.gov*).

Dated at Rockville, Maryland, this 27th day of January 2000.

For the Nuclear Regulatory Commission.

Jon B. Hopkins,

Senior Project Manager, Section 2, Project Directorate III, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 00–2231 Filed 2–1–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meeting on 10 CFR Part 70 Standard Review Plan

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of meeting.

SUMMARY: NRC will host a public meeting in Rockville, Maryland. During the meeting, the staff's proposed resolutions to comments received on the 10 CFR Part 70 draft Standard Review Plan. The staff's proposed resolutions to the comments received on the Standard Review Plan can be viewed on the internet at the following website: http://techconf.llnl.gov/cgi-bin/library?source = *&library = Part__70__lib&file=*

The meeting will provide an opportunity to discuss the staff's proposed resolutions to public comments received on the draft 10 CFR Part 70 Standard Review Plan.

DATES: The meeting is scheduled for Wednesday and Thursday, February 9–10, 2000, from 9:00 am to 4:00 pm. The meeting is open to the public.

ADDRESSES: NRC's Licensing Board Hearing Room at Two White Flint North, Room 3B45, 11545 Rockville Pike, Rockville, Maryland. Visitor parking around the NRC building is limited; however, the meeting site is located adjacent to the White Flint Station on the Metro Red Line.

FOR FURTHER INFORMATION CONTACT: Theodore S. Sherr, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone (301) 415–7218, e-mail: *tss@nrc.gov*

Dated at Rockville, Maryland, this 27th Day of January, 2000.

For the Nuclear Regulatory Commission.

Theodore S. Sherr,

Chief, Licensing and International Safeguards Branch, Division of Fuel Cycle Safety and Safeguards, NMSS.

Agenda, Public Meeting, Part 70 Standard Review Plan Comment Resolution, February 9–10, 2000

- Opening remarks—NRC
- Introduction—NRC
- General remarks—NEI/other participants
- Discussion of SRP comments received
  - Overall introduction—NRC
  - On a chapter-by-chapter basis:

—Introduction—NRC
—Completeness of comment resolution table—NEI/other participants
—Discuss specific comment resolutions identified by NEI/other participants

- Comments by attendees other than NEI
- Closing remarks
  - NRC
  - Participants

[FR Doc. 00–2230 Filed 2–1–00; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting, Notice

DATE: Weeks of January 31, February 7, 14, and 21, 2000.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of January 31

There are no meetings scheduled for the Week of January 31.

Week of February 7—Tentative

Tuesday, February 8

9:30 a.m.
Discussion of Nuclear Issues in the Former Soviet Union (Closed—Ex. 1 & 9).

Wednesday, February 9

10:00 a.m
Briefing on Status of Research Programs, Performance, and Plans (Including Status of Thermo-Hydraulics) (Public Meeting). (Contact: Jocelyn Mitchell, 301–415–5289)

Thursday, February 10

9:25 a.m.
Affirmation Session (Public Meeting) (if needed).
9:30 a.m.
Briefing on Status of CFO Programs, Performance, and Plans (Public Meeting). (Contact: Lars Solander, 301–415–6080).

Friday, February 11

9:30 a.m.
Briefing on Status of NMSS Programs, Performance, and Plans (Public Meeting). (Contact: Claudia Seelig, 301–415–7243).

Week of February 14—Tentative

There are no meetings scheduled for the Week of February 14.

Week of February 21—Tentative

Tuesday, February 22

9:00 a.m.
Briefing on Threat Environment Assessment (Closed—Ex. 1).
11:00 a.m.
Briefing by the Executive Branch (Closed—Ex. 1).

Wednesday, February 23

8:55 a.m.
Affirmation Session (Public Meeting) (if needed).
9:00 a.m.
Briefing on Status of Spent Fuel Projects (Public Meeting).
10:45 a.m.
Discussion of Intragovernmental Issues (Closed—Ex. 9).

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—301–415–1292.

CONTACT PERSON FOR MORE INFORMATION: Bill Hill (301) 415–1661.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary. Attn: Operations Branch, Washington, DC 20555 (301–415–1661). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nr.gov or dkw@nrc.gov.

Dated: January 28, 2000.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 00–2430 Filed 1–31–00; 2:50 pm]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Existing Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of the Filings and Information Services, Washington, DC 20549.

Extension: Form N–23C–1, SEC File No. 270–230, OMB Control No. 3235–0230.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Section 23(c) of the Investment Company Act of 1940 [15 U.S.C. 80a–23(c)] (''Investment Company Act'' or ''Act'') prohibits a registered closed-end investment company (''closed-end fund'') from purchasing any security it

issues on a securities exchange, pursuant to tender offers, or under such other circumstances as the Commission may permit by rules or orders designed to ensure that purchases are made in a manner that does not unfairly discriminate against any holders of the securities to be purchased. Rule 23c–1 [17 CFR 270.23c1] under the Act permits a closed-end fund that meets certain requirements to repurchase its securities other than on an exchange or pursuant to a tender.

A registered closed-end fund that relies on rule 23c–1 may purchase its securities for cash if, among other conditions set forth in the rule, certain conditions are met:

• Payment of the purchase price is accompanied or preceded by a written confirmation of the purchase;

• The purchase is made at a price not above the market value, if any, or the asset value of the security, whichever is lower, at the time of the purchase; and

• If the security is stock, the issuer has, within the preceding six months, informed stockholders of its intention to purchase stock of the class by letter or report addressed to all the stockholders of the class.

In addition, the issuer must file with the Commission, on or before the tenth day of the month following the date in which the purchase occurs, two copies of Form N–23C–1. The form requires the issuer to report all purchases it has made during the month, together with a copy of any written solicitation to purchase securities under rule 23c–1 sent or given during the month by or on behalf of the issuer to ten or more persons.

The purpose of rule 23c–1 is to protect shareholders of closed-end funds from fraud in connection with the repurchase by funds of their own securities. The purpose of the rule's requirement that the fund file Form N–23C–1 with the Commission is to allow the Commission to monitor funds' repurchase of securities as well as any written solicitation used by the fund to effect those repurchases, and to make that information available to the public. Investors may seek this information when determining whether to invest in certain funds.

The requirement to file Form N–23C–1 applies to a closed-end fund only when the fund has repurchased its securities. If the information provided in the form were collected less frequently than a month after repurchases occur, the Commission and investing public would lack current information about closed-end funds that repurchase their own securities.

Commission staff estimates that each year approximately 19 closed-end funds use the repurchase procedures under rule 23c–1, and that these funds file a total of 115 forms each year.[1] The number of forms filed by each fund ranges from 1 to 12 depending on the number of months in which the fund repurchases its securities under rule 23c–1. Commission staff estimates that each response requires 1 burden hour to prepare and file Form N–23C–1 with a copy of any written solicitation to purchase securities under the rule (if necessary). Commission staff estimates each burden hour consists of 15 minutes of professional time and 45 minutes of support staff time.[2] Commission staff further estimates that each of the 19 funds expends between 1 and 12 hours annually in filing Form N–23C–1. The total number annual burden of the rule's paperwork requirements is estimated to be 115 hours.

These estimates represent an increase of 92 hours from the prior estimate of 23 hours. The increase results primarily from the increase in the number of funds relying on the rule to purchase their securities. At the time of the last submission the Commission estimated that 4 funds filed a total of 23 Form N–23C–1s annually with the Commission (with each fund filing between 1 and 12 forms during the year). In 1999, 19 funds filed 115 forms with the Commission.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act. The estimate is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burdens of the collections of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burdens of the collections of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

[1] These estimates are based on Form N–23C–1 filings for 1999.

[2] The burden hour estimates are based upon consultation with lawyers and accountants familiar with the practices of fund boards and the staff of investment advisers.

Please direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, NW, Washington, DC 20549.

Dated: January 24, 2000.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–2184 Filed 2–1–00; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42360/January 28, 2000; File No. 4–430]

Order Directing the Exchanges and the National Association of Securities Dealers, Inc. To Submit a Decimalization Implementation Plan Pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934

Notice is hereby given that, pursuant to Section 11A(a)(3)(B) of the Securities Exchange Act of 1934 (''Act''),[1] the Securities and Exchange Commission (''Commission'') orders the American Stock Exchange LLC (''AMEX''), the Boston Stock Exchange, Inc. (''BSE''), the Chicago Board Options Exchange, Inc. (''CBOE''), the Chicago Stock Exchange, Inc. (''CHX''), the Cincinnati Stock Exchange, Inc. (''CSE''), the National Association of Securities Dealers, Inc. (''NASD''), the New York Stock Exchange, Inc. (''NYSE''), the Pacific Exchange, Inc. (''PCX''), and the Philadelphia Stock Exchange, Inc. (''PHLX'') (collectively the ''Participants'' and individually a ''Participant'') to act jointly in discussing, developing, and submitting to the Commission a plan to implement decimal pricing in the equities and options markets beginning no later than July 3, 2000 (''Decimals Implementation Plan''), and in implementing the Decimals Implementation Plan. The Participants should discuss the development and implementation of the Decimals Implementation Plan with interested market participants, including, but not limited to, the Securities Industry Association (''SIA'') and its members, the International

[1] Section 11A(a)(3)(B) authorizes the Commission, in furtherance of its statutory directive to facilitate the establishment of a national market system, by rule or order, ''to authorize or require self-regulatory organizations to act jointly with respect to matters as to which they share authority under [the Act] in planning, developing, operating, or regulating a national market system (or a subsystem thereof) or one or more facilities thereof.'' 15 U.S.C. 78k–1(a)(3)(B).

Securities Exchange (''ISE''),[2] the National Securities Clearing Corporation (''NSCC''),[3] the Depository Trust Company (''DTC''),[4] the Options Clearing Corporation (''OCC''),[5] the Securities Industry Automation Corp. (''SIAC''),[6] the Intermarket Trading System Operating Committee (''ITSOC''),[7] the Options Price Reporting Authority (''OPRA''),[8] the Consolidated Tape Association (''CTA''),[9] and the Consolidated Quote Operating Committee (''CQOC'') (collectively the ''Interested Parties'').[10] The Commission further directs the Participants to submit to the Commission a Decimals Implementation Plan no later than 45 days after the issuance of this Order. Finally, the Commission directs each Participant to submit for notice, comment and Commission consideration the rule changes necessary to implement the Decimals Implementation Plan no later than 60 days after the issuance of this Order.[11]

I. Background

The current convention of quoting stock prices in fractions dates back more than two hundred years.[12] The United States securities markets are the only major markets not to price securities in decimals.[13] For the past few years, market participants and the Commission have discussed the possibility and usefulness of moving to decimal pricing. In January 1994, Commission staff recognized the potential benefits of decimal pricing over the current fraction-based pricing scheme and indicated that a move to decimals was likely to be inevitable.[14] Throughout the mid and late 1990s, the Commission engaged the securities industry and the public in a discussion of the need for decimal pricing in the U.S. securities markets.

On March 13, 1997, this debate moved to the legislative arena when Congressman Oxley [15] introduced a bill in the U.S. House of Representatives that would have directed the Commission to adopt a rule requiring quotations in dollars and cents for transactions in equity securities.[16] Subsequently, the NYSE announced that it would implement decimal pricing by January 2000.[17] Other markets soon followed suit.[18] In light of this activity, the bill was not taken to full markup in the House Commerce Committee.

On May 8, 1998, the General Accounting Office (''GAO'') determined that ''[e]nsuring that securities industry systems are ready for the Year 2000 is too important to the continued functioning of the industry to risk failure by attempting to implement decimal trading before the Year 2000 effort is completed.'' [19] Chairman Levitt, in the Commission's response to the GAO report, concurred in this assessment.[20] Chairman Levitt noted the importance, however, of setting a date certain by which the markets must move to decimal pricing. He noted that the industry should strive to implement decimal pricing by June 30, 2000.[21] In light of what appears to be a successful resolution of the Year 2000 problem, the Commission believes that the industry's primary technological priority should be the implementation of decimal pricing.

On August 25, 1998, Commission staff requested that the Participants provide information regarding the status of rule and systems changes that would need to be adopted to implement decimal pricing.[22] The Participants' responses indicated that a range of rules and systems would require modification to accommodate decimal pricing.[23]

---

[2] The ISE has filed an application with the Commission to register as a national securities exchange. *See* Securities Exchange Act Release No. 41439 (May 24, 1999), 64 FR 29367 (June 1, 1999).

[3] NSCC, a clearing agency registered with the Commission pursuant to Section 17A of the Act, clears and guarantees securities transactions and determines its members' net settlement obligations.

[4] DTC, a clearing agency registered with the Commission pursuant to Section 17A of the Act, is the depository for more than 90% of the securities held in the United States.

[5] OCC, a clearing agency registered with the Commission pursuant to Section 17A of the Act, issues and clears transactions in options on equities, currencies, indexes, and financial instruments, records participants' positions, and determines participants' daily options net settlement obligations.

[6] SIAC is a registered exclusive securities information processor and is owned by the AMEX and the NYSE. *See* Securities Exchange Act Release No. 12035 (Jan. 22, 1976), 41 FR 4372 (Jan. 29, 1976).

[7] The ITSOC consists of representatives from each Participant and is responsible for implementing the terms of the ITS plan

[8] OPRA is an association governed by a committee consisting of representatives of the four national securities exchanges authorized by the Commission to list options for trading (the AMEX, the CBOE, the PCX, and the PHLX) and of the NYSE (which no longer lists options for trading). In 1976, OPRA registered as a securities information processor. *See* Securities Exchange Act Release No. 12035 (Jan. 22, 1976), 41 FR 4372 (Jan. 29, 1976). OPRA was formed and operates pursuant to a plan approved by the Commission on March 18, 1981, as amended. *See* Securities Exchange Act Release No. 17638, as amended. *See, e.g.,* Securities Exchange Act Release No. 40767 (Dec. 9, 1998), 63 FR 69354 (Dec. 16, 1998).

[9] The CTA governs the consolidated transaction reporting system. It consists of representatives from each Participant.

[10] The CQOC oversees the development and implementation of a consolidated data stream for quotation information. *See* Securities Exchange Act Release No. 15009 (July 28, 1978), 43 FR 34851 (Aug. 7, 1978). It is a committee consisting of representatives from each of the exchanges and the NASD.

[11] Additional requirements are discussed at text accompanying note 34.

[12] Testimony of Lois Kazakoff, Business News Editor, The San Francisco Chronicle, before the Subcommittee on Finance and Hazardous Materials, Committee on Commerce, U.S. House of Representatives on April 10, 1997.

[13] Testimony of Steven M.H. Wallman, Commissioner, Commission, before the Subcommittee on Finance and Hazardous Materials, Committee on Commerce, U.S. House of Representatives on April 10, 1997 (''Wallman Testimony'').

[14] Division of Market Regulation (''Division''), Commission, *Market 2000: An Examination of Current Equity Market Developments* (Jan. 1994).

[15] Congressman Oxley introduced the bill for himself and Congresspersons Markey, Bliley, Gillmor, Crapo, Furse, Largent, Ganske, Boucher

[16] H.R. 1053, 105th Cong. 1st Sess. (1997) (commonly referred to as the ''Common Cents Stock Pricing Act of 1997'').

[17] *See* Floyd Norris, *So Long, Fractions, But Maybe Not Till 2000,* N.Y. Times, June 6, 1997, at D1.

[18] See Letter from Arthur Levitt, Chairman, Commission, to the Honorable John D. Dingell and the Honorable Thomas J. Manton, U.S. House of Representatives, dated July 25, 1997. As the markets committed to move to decimal pricing, they took the interim step of quoting in narrow increments. See *e.g.,* Securities Exchange Act Release Nos. 38571 (May 5, 1997), 62 FR 25682 (May 9, 1997) (permitting all AMEX equity securities selling at or above $.25 to trade in sixteenths); 38744 (June 18, 1997), 62 FR 34334 (June 25, 1997) (order approving proposal to quote in sixteenths on the NYSE); 38779 (June 26, 1997), 62 FR 36328 (July 7, 1997), (order approving proposal to quote in sixteenths on the PHLX); and 38678 (May 27, 1997), 62 FR 30363 (June 3, 1997) (changing the minimum quotation increment for certain Nasdaq securities to sixteenths).

[19] Testimony of Thomas J. McCool, Director, Financial Institutions and Markets Issues, GAO, before the Subcommittee on Finance and Hazardous Materials, Committee on Commerce, U.S. House of Representatives on May 8, 1998. The GAO also recommended that the Commission, in directing the securities industry's move to decimal pricing, assess: (1) The potential impact of decimal trading on the industry's processing and communication capacity; and (2) the impact on market regulations and exchange rules.

[20] While confirming the importance of moving to decimals expeditiously, he stated that ''the industry's technological priority must be to prepare for Year 2000 readiness.'' *See* letter from Arthur Levitt, Chairman, Commission, to the Honorable Ted Stevens and the Honorable Fred Thompson, U.S. Senate, and to the Honorable Dan Burton and the Honorable Bob Livingston, U.S. House of Representatives, dated July 20, 1999.

[21] *Id.*

[22] *See* letter from Richard R. Lindsey, Director, Division, Commission, to the Participants, dated August 25, 1998.

[23] *See e.g.,* letters from George W. Mann, Jr., Senior Vice President and General Counsel, BSE, to Richard R. Lindsey, Director, Division, Commission, dated September 24, 1998 (citing, in part, the need for possible amendments to the Intermarket Trading System Plan and exchange surveillance procedures); and Charles J. Henry, President and Chief Operating Officer, CBOE, to Richard R. Lindsey, Director, Division, Commission, dated September 16, 1998 (identifying, in part, the following rules that would have to be amended or reconsidered as a result of decimals: Retail Automatic Execution System operations, crossing orders, and priority rules). In

Because many of these rule and systems changes will have an impact on the securities industry as a whole, the Participants must develop a coordinated plan for converting to decimal pricing. To ensure a smooth conversion to decimal pricing, the Commission is therefore directing the Participants to develop a Decimals Implementation Plan and submit rule changes necessary to implement the plan to the Commission.[24]

II. Discussion

Section 11A(a)(2) of the Act[25] directs the Commission, having due regard for the public interest, the protection of investors, and the maintenance of fair and orderly markets, to use its authority under the Act to facilitate the establishment of a national market system for securities. Section 11A(a)(3)(B) gives the Commission the ability to authorize or require by order the self-regulatory organizations ''to act jointly * * * in planning, developing, operating, or regulating a national market system.''[26] This authority enables the Commission to require joint activity that otherwise might be asserted to have an impact on competition, where the activity serves the public interest and the interests of investors.[27]

The Commission believes that decimal pricing could benefit investors by enhancing investor comprehension, facilitating globalization of our markets, and potentially reducing transactions costs, depending on the minimum price variant used.[28] These benefits in turn will further the national market system objectives of economically efficient execution of securities transactions and fair competition.

In light of the complex technical and legal issues raised by the industry-wide conversion to decimal pricing, a coordinated industry effort is necessary to ensure that the markets continue to operate in an efficient, orderly, and fair manner during the conversion process. In particular, the Participants will need to convert the systems governing the quotation, trading, reporting and surveillance of securities traded on their marketplaces. In addition, the Participants may need to discuss the market-wide impact of small minimum, price variations, such as one penny, on trading rules, such as priority and trade-through rules. Similarly, clearing agencies will need to modify their systems to clear and settle trades priced in decimals. Entities that operate systems that link the different markets or disseminate information, such as the Intermarket Trading System and CTA, also will need to allow for quotation and reporting in decimals. Because information is processed and shared among all of these entities, it is imperative that all market participants convert to decimals in a coordinated manner.

The Commission therefore finds that the public interest in maintaining fair and orderly markets is furthered by requiring the Participants to work jointly in discussing, developing, and implementing a Decimals Implementation Plan, and by discussing the plan with the Interested Parties. To ensure a smooth conversion to decimal pricing, the Commission is directing the Participants to develop a Decimals Implementation Plan and requiring each Participant to submit for notice, comment and Commission consideration the rule changes necessary to implement the plan.

III. Plan

While the Commission is not mandating the details of a Decimals Implementation Plan, the plan must provide that decimal pricing of at least some equities (and options on those equities) trading on the Participants' markets will begin no later than July 3, 2000, and decimal pricing of all equities and options on the Participants' markets will be completed within six months of that date.[29] If the Participants adopt a phase-in plan for implementing decimal pricing, rather than pricing all equities and options on the Participants' markets in decimals on July 3, 2000, the plan must provide specific dates by which each phase will be completed and identify which securities will be priced in decimals during each phase. The Decimals Implementation Plan may fix the minimum increment during the phase-in period, provided that the minimum increment is no greater than five cents for any equity priced in decimals. The Commission believes that it is appropriate for the Participants to establish a minimum increment during the phase-in period to allow the industry to make a smooth transition to decimal pricing and to determine the impact of decimal pricing on trading rules and inter-market systems capacity.[30]

The Commission also believes that the securities industry should study the impact of quoting and trading in increments smaller than a nickel on trading patterns and capacity. For example, there are concerns that OPRA may not have a sufficient capacity to handle increased quote traffic resulting from the conversion to decimal pricing and other market changes.[31] As a result, queuing and stale quotes may become an issue if quote traffic exceeds OPRA's capacity.[32] Therefore, in the event that the Participants adopt a phase-in plan using a minimum increment greater than a penny, the Participants should also concurrently establish a pilot program that provides for selected securities (equities and options on those equities) to be traded in penny increments. The pilot should allow the Participants and the Commission to evaluate the effect of smaller trading increments on capacity and trading behavior. The pilot should run concurrently with the phase-in period and should be considered part of the Decimals Implementation Plan.

Thirty days after the end of the phase-in period, the Participants must submit (1) a study to the Commission regarding the impact of decimal pricing on trading and capacity, including the impact of the pilot program, and (2) a recommendation regarding the need for uniform minimum increments, if any. The recommendation should discuss whether one uniformn minimum increment should be adopted or

light of the potential impact of decimal pricing on the industry's processing and communication capacity, the SIA commissioned SRI Consulting to assess the impact on message traffic of trading equities and options in decimals. The study projected that in the listed equities markets, a nickel minimum price variation could increase daily quote volume by 3.5 percent, while a penny minimum price variation could increase quote volume by 139 percent. In addition, SRI projects that, by the end of 2001, options message traffic may increase by as much as 257 percent as a result of decimal pricing.

[24] By letter dated October 14, 1999, the AMEX, CBOE, NASD, PCX and PHLX asked the Commission to authorize expressly joint discussions and action by the exchanges regarding decimal pricing. *See* letter from Colleen P. Mahoney to Harvey J. Goldschmid, General Counsel, Commission, dated October 14, 1999.

[25] 15 U.S.C. 78k–1(a)(2).

[26] 15 U.S.C. 78k–1(a)(3)B).

[27] *See, e.g.,* Securities Exchange Act Release No. 41843 (Sept. 7, 1999), 64 FR 50126 (Sept. 15, 1999) (order directing options exchanges to develop strategies to mitigate quote message traffic); and Securities Exchange Act Release No. 42029 (Oct. 19, 1999), 64 FR 57674 (Oct. 26, 1999) (order directing options exchanges to submit an intermarket linkage plan).

[28] As discussed above, the U.S. securities markets are the only major markets not using decimals. *See* Wallman Testimony, *supra* note 13.

[29] The Commission is not mandating that the phase-in period last six months. Instead, six months is the maximum time period for phasing in decimal pricing. After considering options capacity studies and after discussions with the industry, the Commission believes that six months provides adequate time for the Participants to make an orderly transition to decimal pricing while responding to changes in the markets that could result from the conversion from fractions to decimals.

[30] *See supra* note 23.

[31] *See* SIAC/SRI Consulting, *Mitigating Options Message Traffic Final Report* (Dec. 14, 1999).

[32] *Id.* at 1.

whether different minimum increments should be applied and the criteria by which the Participants would select securities to be traded in those various minimum increments. Thirty days after submitting their study and recommendation, and absent Commission action, the Participants individually must submit for notice, comment and Commission consideration proposed rule changes to implement their individual choice of minimum increments by which equities and options are quoted and traded on their respective markets.

It is hereby ordered, pursuant to Section 11A(a)(3)(B) of the Act, [33] that the Participants act jointly in discussing, developing and submitting to the Commission a Decimals Implementation Plan, as described above. The Participants are ordered to submit to the Commission a Decimals Implementation Plan for the equity and options markets no later than 45 days after the issuance of this Order. In addition, each Participant is ordered to submit for notice, comment and Commission consideration the rule changes necessary to implement the Decimals Implementation Plan no later than 60 days after the issuance of this Order. [34] The Participants are also directed to submit a study and recommendation, as described in this Order, 30 days after the phase-in period. In addition, absent Commission action, 30 days following the submission of the study, each Participant must submit rule changes implementing their individual choice of minimum pricing increments for their respective markets for notice, comment and Commission consideration.

This Order will be effective until such time as the implementation of decimal pricing is completed.

By the Commission.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–2286 Filed 02–01–00; 8:45 am]

BILLING CODE 8010–01–M

[33] 15 U.S.C. 78k–1(a)(3)(B).

[34] Although Commission staff may be consulted in discussing the proposed Decimals Implementation Plan, staff presence at joint discussions is not required by this Order. In issuing this Order, the Commission does not address: (a) any joint or other conduct that occurred prior to the issuance of this Order, and (b) any joint or other conduct occurring after the date of this Order that is not ordered or requested by this Order.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–42348; File No. SR–CHX–99–26]

Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Inc., Relating to Listing of Trust Issued Receipts

January 18, 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 2, 1999, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II 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 and to grant accelerated approval to the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade a trust issued receipt based on the stocks of selected biotechnology companies, Biotech HOLDRs, pursuant to unlisted trading privileges (''UTP''). The text of the proposed rule change is available at the Office of the Secretary, CHX and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On October 22, 1999, the Commission approved a new CHX rule, Article XXVIII, [3] Rule 27, which provides listing standards for trust issued receipts. At the same time, the Commission authorized the Exchange to list and trade Internet HOLDRs, a particular type of trust issued receipt.[4] As noted in that approval order, the Exchange must consult with the Commission prior to listing and trading other similarly structured products, including trust issued receipts based on other industries. The Exchange now proposes to list and trade a new type of trust issued receipt, Biotech HOLDRs, pursuant to unlisted trading privileges.

As noted in the CHX's earlier submission, trust issued receipts provide investors with a flexible, cost-effective way to purchase, hold and transfer the securities of one or more specified companies. Except for the individual securities that are deposited in the Biotech HOLDRs trust, this trust issued receipt is structurally identical to the Internet HOLDRs that the Commission has already approved for listing and trading on the Exchange.

i. Trust Issued Receipts Generally

Description. Trust issued receipts are negotiable receipts which are issued by a trust representing securities of issuers that have been deposited and are held on behalf of the holders of the trust issued receipts. Trust issued receipts allow investors to hold securities investments from a variety of companies in a single, exchange-traded instrument that represents their beneficial ownership of each of the deposited securities, evidenced by the receipts. Holders may cancel their trust issued receipts at any time to receive the deposited securities.

The initial offering price for a trust issued receipt will be established on the dates the receipts are priced for sale to the public. The amounts of deposited securities for each round lot of 100 trust issued receipts will be determined at the beginning of the marketing period and will be disclosed in the prospectus to investors.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] All references in this filing should be to Article XXVIII, not XXVII, pursuant to telephone conversation between Ellen J. Neely, Vice President and General Counsel, CHX, and Heather Traeger, Attorney, Division of Market Regulation, SEC, on December 21, 1999.

[4] Securities Exchange Act Release No. 42056 (October 22, 1999), 64 FR 58870 (November 1, 1999).

Beneficial owners of the receipts have the same rights and privileges as they would have if they beneficially owned the deposited securities outside of the trust issued receipt program. For example, holders of the receipts have the right to instruct the trustee to vote the deposited securities evidenced by the receipts; will receive reports, proxies and other information distrusted by the issuers of the deposited securities to their security holders; and will receive dividends and other distributions if any are declared and paid by the issuers of the deposited securities to the trustee, net of any applicable taxes and fees.

Creation of a Trust. Trust issued receipts are issued by a trust created pursuant to a depositary trust agreement. After the initial offering, the trust may issue additional receipts on a continuous basis when an investor deposits the requisite securities with the trust. An investor in trust issued receipts will be permitted to withdraw his or her deposited securities upon delivery to the trustee of one or more round-lots of 100 trust issued receipts and to deposit such securities to receive trust issued receipts.

ii. *Creation of Biotech HOLDRs* [5]

The Biotech HOLDRS trust was formed under a depository trust agreement, dated November 18, 1999, among the Bank of New York, as trustee, Merrill Lynch, Pierce, Fenner & Smith Incorporated, other depositors and the owners of the trust issued receipts. The Biotech HOLDRs trust will hold shares of common stock issued by 20 specified companies that are generally considered to be involved in various segments of the biotechnology industry. The specific share amounts for each round-lot of 100 Biotech HOLDRs were determined as of October 27, 1999, as that the initial weightings of each underlying security approximated the relative market capitalization of the specified companies, subject to a maximum weight of 20%.

The deposited securities underlying the Biotech HOLDRs are: Amgen, Inc. (AMGN), Genentech, Inc. (DNA), Biogen, Inc. (BGEN), Immunex Corporation (IMNX), PE Corp.—PE Biosystems Group (PEB), MedImmune, Inc. (MEDI), Chiron Corporation (CHIR), Genzyme Corporation (GENZ), Gilead Sciences, Inc. (GILD), Sepracor Inc. (SEPR), IDEC Pharmaceuticals Corporation (IDPH), QLT Phote Therapeutics Inc. (QLTI), Millenium Pharmaceuticals, Inc. (MLNM), BioChem Pharma Inc. (BCHE), Affymetrix, Inc. (AFFX), Human Genome Sciences, Inc. (HGSI), ICOS Corporation (ICOS), Enzon, Inc. (ENZN), Celera Genomics (CRA) and Alkermes, Inc. (ALKS).

The twenty companies represented by the securities in the portfolio underlying the Biotech HOLDRs trust were required to meet the following minimum criteria: (1) each company's common stock must be registered under Section 12 of the Exchange Act; (2) the minimum public float of each company included in the portfolio must be at least $150 million; (3) each security must be either listed on a national securities exchange or traded through the facilities of Nasdaq and must be a reported national market system security; (4) the average daily trading volume for each stock must be at least 100,000 shares during the preceding 60-day trading period; (5) the average daily dollar value of the shares traded during the preceding 60-day trading period must be at least $1 million; and (6) the initial weighting of each security in the portfolio must be based on market capitalization; however, any security that represents more than 20% of the receipt value on the date the weighting is determined, must be reduced to no more than 20% of the receipt value.

In addition, each of the companies whose common stock is included in Biotech HOLDRs also met the following criteria when they were selected on October 27, 1999: (1) the market capitalization for each company was equal to or greater than $840 million; (2) the average daily trading volume for each security was at least 200,000 shares over the 60 trading days prior to and including October 27, 1999; (3) the average daily dollar value of the shares traded for each company during the sixty-day trading period prior to and including October 27, 1999 was at least $7.5 million; and (4) each company was traded on a national securities exchange or Nasdaq/NM for at least ninety days prior to October 27, 1999.

iii. *Criteria for Initial and Continued Listing of Biotech HOLDRs*

Initial Listing. Under Article XXVIII, Rule 27, the Exchange must establish a minimum number of trust issued receipts that is required to be outstanding on the date trading begins on the Exchange. The Exchange anticipates that a minimum of 150,000 Biotech HOLDRs will be required to be outstanding when CHX trading begins. The Exchange understands that approximately 4.5 million Biotech HOLDRS were outstanding on November 24, 1999, the date the receipts were first traded on the Amex.

Continued Listing. Under applicable listing standards, the Exchange will consider the suspension of trading in, or removal from listing of, Biotech HOLDRs when any of the following circumstances arise: (1) if the trust has more than 60 days remaining until termination and there are fewer than 50 record and/or beneficial holders of the trust issued receipts for 30 or more consecutive trading days; (2) if the trust has fewer than 50,000 receipts issued and outstanding; (3) if the market value of the receipts issued and outstanding is less than $1,000,000; or (4) if any other event occurs, or any other condition exist, which, in the opinion of the Exchange, makes further trading on the Exchange inadvisable. These flexible criteria allow the Exchange to avoid delisting trust issued receipts (leading to a possible termination of the trust) because of relatively brief fluctuations in market conditions that may cause the number of holders to vary.

The Exchange will not, however, be required to suspend or delist from trading, based on the above factors, any trust issued receipts for a period of one year after the initial listing of those trust issued receipts for trading on the Exchange.

If the number of companies represented by the deposited securities drops to less than nine, and each time thereafter the number of companies is reduced, the Exchange will consult with the Commission to confirm the appropriateness of continued listing of the trust issued receipts.

iv. *Exchange Rules and Procedures Applicable to the Trading of Biotech HOLDRs*

Trust issued receipts, including Biotech HOLDRs, are considered ''securities'' under the Rules of the Exchange and are subject to all applicable trading rules, including the provisions of Article XX, Rule 40 (''ITS 'Trade-Throughs' and 'Locked Markets' ''), which prohibit CHX members from initiating trade-throughs for ITS securities, as well as rules governing priority, parity and precedence of orders, market volatility-related trading halt provisions and responsibilities of the assigned specialist firm. [6] Exchange equity margin rules will apply.

[5] This section of the CHX's submission, as well as other sections, contains information about Biotech, HOLDRs. This information is based upon descriptions included in the Biotech HOLDRs prospectus, the American Stock Exchange (''Amex'') submissions relating to its proposal to list and trade Biotech HOLDRs and the Commission's order approving the Amex proposal.

[6] There are two exceptions to this general principle. First, because trust issued receipts are traded only in round lots (or round-lot multiples), the Exchange's rules relating to odd-lot executions will not apply. Additionally, the Exchange understands that the Commission has provided an

Continued

Biotech HOLDs will trade in the minimum fractional increments described in CHX Article XX, Rule 22. To the extent that Biotech HOLDRs are also traded on the Amex, those receipts will trade at a minimum variation of 1/16th of $1.00 trust issued receipts selling at or above $.25 and 1/32nd of $1.00 for for those selling below $.25. If the trust issued receipts are traded on any other exchange or are exclusively listed on the CHX, different minimum fractional increments may apply.

The Exchange's surveillance procedures for Biotech HOLDRs will be similar to the procedures used for portfolio depository receipts and will incorporate and rely upon existing CHX surveillance systems.

Prior to the commencement of trading of Biotech HOLDRs and any other trust issued receipt, the Exchange will distribute a circular to its members and member organizations alerting them to the unique characteristics of trust receipts, including the fact that trust issued receipts are not individually redeemable. The circular will also confirm that trust issued receipts are subject to the Exchange's rule relating to trading halts due to extraordinary market volatility (Article IX, Rule 10A) and that the underlying securities included in the trust are subject to the Exchange's rule which allows Exchange officials to halt trading in specific securities, under certain circumstances (Article IX, Rule 10(b)). The circular will advise members that, in exercising the discretion described in Article IX, Rule 10(b), appropriate Exchange officials may consider a variety of factors, including the extent to which trading is not occurring in an underlying security and whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

v. *Disclosure to Customers*

As with Internet HOLDRs, the Exchange will require its members to provide all purchasers of newly issued Biotech HOLDRs and other trust issued receipts with a prospectus for that series of trust issued receipts. The Exchange also notes that, under federal securities laws, all investors in trust issued receipts who purchase in the initial offering are required to receive a prospectus and that any person purchasing a trust issued receipt directly from the trust (by delivering the underlying securities to the trust) is also required to receive a prospectus.

vi. *Trading of Biotech HOLDRs*

General Information. Trust issued receipts are unleveraged instruments and therefore do not possess many of the attributes of stock index options. The Exchange believes that the level of risk involved in the purchase and sale of trust issued receipts is almost identical to the risk involved in the purchase or sale of the common stocks presented by the receipt.

The Exchange believes that trust issued receipts will not trade at a material discount or premium to the assets held by the issuing trust. The Exchange represents that the arbitrage process—which provides the opportunity to profit differences in prices of the same or similar securities (*e.g.*, the trust issued receipts and the portfolio of deposited securities), increases the efficiency of the markets and serves to prevent potentially manipulative efforts—should promote correlative pricing between the trust issued receipts and the deposited securities. If the price of trust issued receipts deviates enough from the portfolio of deposited securities to create a material discount or premium, and arbitrage opportunity is created allowing the arbitrageur to either buy trust issued receipts at a discount, immediately cancel them in exchange for the deposited securities and sell the shares in the cash market at a profit, or sell the trust issued receipts short at a premium and buy the securities represented by the receipts to deposit in exchange for the trust issued receipts to deliver against the short position. In both instances, the arbitrageur locks in a profit and the markets move back into line.

Issuance and Cancellation of Biotech HOLDRs. A round lot of 100 Biotech HOLDRs represents a holder's individual and undivided beneficial ownership interest in the whole number of securities represented by the receipt. The trust will issue and cancel, and an investor may obtain, hold, trade and surrender, Biotech HOLDRs only in a round lot of 100 trust issued receipts and round-lot multiples.[7] Nevertheless, the bid and asked prices will be quoted on a per receipt basis. The trust will issue additional receipts on a continuous basis when an investor deposits the required securities with the trust.

An investor may obtain trust issued receipts by either purchasing them on an exchange or by delivering to the trustee, during normal business hours, the underlying securities evidencing a round lot of trust issued receipts. The trustee will charge investors an issuance fee of up to $10 for each round lot of 100 trust issued receipts. An investor may cancel trust issued receipts and withdraw the deposited securities by delivering a round lot or round-lot multiple of the trust issued receipts to the trustee, during normal business hours. The trustee will charge investors a cancellation fee of up to $10 for each round lot of 100 trust issued receipts. Lower charges may be assigned based on the volume, frequency and size of issuances and cancellations. According to the prospectus, the trustee expects that, in most cases, it will deliver the deposited securities within one business day of the withdrawal request.

Maintenance of the Biotech HOLDRs Portfolio. Except when a reconstitution event occurs, as described below, the securities represented by a trust issued receipt will not change.[8] According to the Biotech HOLDRs prospectus, under no circumstances will a new company be added to the group of issuers of the underlying securities.

Reconstitution Events. As described in the Biotech HOLDRs prospectus, the securities underlying the trust issued receipts will be automatically distributed to the beneficial owners of the receipts in four circumstances, called ''reconstitution events'':

(1) If the issuer of the underlying securities no longer has a class of common stock registered under Section 12 of the Act, then its securities will no longer be an underlying security and the trustee will distribute the shares of that company to the owners of the trust issued receipts;

(2) If the Commission finds that an issuer of underlying securities should be registered as an investment company under the Investment Company Act of 1940, and the trustee has actual knowledge of the Commission's finding, then the trustee will distribute the shares of that company to the owners of the trust issued receipts;

exemption from the short sale rule, Rule 10a–1 under the Act, for transactions in Internet HOLDRs. 17 CFR 240.10a–1. To the extent that this exemption also applies to Biotech HOLDRs, the Exchange will issue a notice to its members detailing the terms of the exemption.

[7] Because Internet HOLDRs may be acquired, held or transferred only in round-lot amounts (or round-lot multiples) of 100 receipts, orders for less than a round lot (but not around-lot multiple) will be filled to the extent of the largest round-lot multiple, rejecting the remaining odd lot. For example, an order 50 trust issued receipts will be rejected and an order for 1,050 trust issued receipts will be executed in part (1,000) and rejected in part (50).

[8] Even if a reconstitution event does not occur, the number of each security represented in a receipt may change due to certain corporate events such as stock splits or reverse stock splits on the deposited securities and the relative weightings among the deposited securities may change based on the current market price of the deposited securities.

(3) If the underlying securities of an issuer cease to be outstanding as a result of a merger, consolidation or other corporate combination, the trustee will distribute the consideration paid by and received from the acquiring company to the beneficial owners of the trust issued receipts, unless the merger, consolidation or other corporate combination is between companies whose securities are already included in the trust issued receipts as underlying securities and the consideration paid is additional underlying securities, in which case the additional securities will be deposited into the trust; and

(4) If an issuer's underlying securities are delisted from trading on a national securities exchange or Nasdaq and are not listed for trading on another national securities exchange or through Nasdaq within five business days from the date the securities are delisted.

As described in the prospectus, if a reconstituion event occurs, the trustee will deliver the underlying security to the investor as promptly as practicable after the date that the trustee has knowledge of the occurrence of a reconstitution event.

Termination of the Trust. As described in the Biotech HOLDRs prospectus, the trust will terminate on the earliest of the following occurrences: (1) If the trust issued receipts are delisted from the Amex and are not listed for trading on another national securities exchange or through Nasdaq within five business days from the date the receipts are delisted; (2) if the trustee resigns and no successor trustee is appointed by the initial depositor within 60 days from the date the trustee provides notice to the initial depositor of its intent to resign; (3) if 75% of the beneficial owners of outstanding trust issued receipts (other than Merrill Lynch, Pierce, Fenner & Smith Incorporated) vote to dissolve and liquidate the trust; or (4) December 31, 2039. If a termination event occurs, the trustee will distribute the underlying securities to beneficial owners as promptly as practicable after the termination event.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b)(5) of the Act [9] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

[9] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. 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 will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–CHX–99–26 and should be submitted by [insert date 21 days from date of publication].

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

A. Generally

The Commission finds that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act [10] and the rules and regulations thereunder applicable to a national securities exchange. Specifically, the Commission finds, as it did in the orders approving the listing and trading of trust issued receipts generally, and Internet HOLDRs and Biotech HOLDRs specifically,[11] that the proposal to list and trade Biotech HOLDRs will provide investors with a convenient and less expensive way of participating in the securities markets. The proposal should advance the public interest by providing investors with increased flexibility in satisfying their investment needs by allowing them to purchase and sell a single security replicating the performance of a broad portfolio of biotechnology stocks at negotiated prices throughout the business day. Accordingly, the Commission finds that the proposal will facilitate transactions in securities, remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. [12]

The Commission believes that trust issued receipts will provide investors with an alternative to trading a broad range of securities on an individual basis, and will give investors the ability to trade trust issued receipts representing a portfolio of securities continuously throughout the business day in secondary market transactions at negotiated prices. Trust issued receipts will allow investors to: (1) Respond quickly to changes in the overall securities markets generally and for the industry represented by a particular trust; (2) trade, at a price disseminated on a continuous basis, a single security representing a portfolio of securities that the investor owns beneficially; (3) engage in hedging strategies similar to those used by institutional investors; (4) reduce transaction costs for trading a portfolio of securities; and (5) retain beneficial ownership of the securities underlying the trust issued receipts.

Although trust issued receipts are not leveraged instruments, and, therefore, do not possess any of the attributes of stock index options, their prices will be derived and based upon the securities held in their respective trusts. Accordingly, the level of risk involved in the purchase or sale of trust issued receipts is similar to the risk involved in the purchase or sale of traditional common stock, with the exception that the pricing mechanism for trust issued receipts is based on a basket of

[10] 15 U.S.C. 78f(b)(5).

[11] *See* Securities Exchange Act Release No. 41892 (September 21, 1999), 64 FR 52559 (September 29, 1999) (approving listing and trading of trust issued receipts and Internet HOLDRs on the Amex); Securities Exchange Act Release No. 42159 (November 19, 1999), 64 FR 66947 (November 30, 1999) (approving listing and trading of Biotech HOLDRs on the Amex); and Securities Exchange Act Release No. 42056 (October 22, 1999), 64 FR 58870 (November 1, 1999) (approving listing and trading of trust issued receipts and Internet HOLDRs on the CHX pursuant to UTP).

[12] In approving this rule, the Commission notes that it has also considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

securities.[13] Nevertheless, the Commission believes that the unique nature of trust issued receipts raises certain product design, disclosure, trading, and other issues.

B. Trading of Trust Issued Receipts—Listing and UTP

The Commission finds that the CHX's proposal to trade Biotech HOLDRs meets all of the specific criteria and listing standards that were approved in the Amex order approving the listing and trading of Biotech HOLDRs, pursuant to UTP.[14] Biotech HOLDRs are equity securities that will be subject to the full panoply of CHX rules governing the trading of equity securities on the CHX, including, among others, rules governing the priority, parity and precedence of orders, responsibilities of the specialist, account opening and customer suitability requirements, and the election of a stop or limit order.[15]

In addition, the delisting criteria allows the CHX to consider the suspension of trading and the delisting of a trust issued receipt if an event occurred that made further dealings in such securities inadvisable. This will give the CHX flexibility to delist trust issued receipts if circumstances warrant such action. CHX's proposal also provides procedures to halt trading in trust issued receipts in certain enumerated circumstances.

Moreover, in approving this proposal, the Commission notes the Exchange's representation that Biotech HOLDRs will not trade at a material discount or premium in relation to the overall of the trusts' assets because of potential arbitrage opportunities. The Exchange represents that the potential for arbitrage should keep the market price of a trust issued receipt comparable to the overall value of the deposited securities.

Furthermore, the Commission believes that the Exchange's proposal to trade trust issued receipts in minimum fractional increments of 1/16th of $1.00 is consistent with the Act. The Commission believes that such trading should enhance market liquidity, and should promote more accurate pricing, tighter quotations, and reduced price fluctuations. The Commission also believes that such trading should allow customers to receive the best possible execution of their transactions in trust issued receipts.

Finally, the CHX has developed surveillance procedures for trust issued receipts that incorporate and rely upon existing CHX surveillance procedures governing equities. The Commission believes that these surveillance procedures are adequate to address concerns associated with listing and trading of Biotech HOLDRs, including any concerns associated with purchasing and redeeming round-lots of 100 receipts. Accordingly, the Commission believes that the rules governing the trading of trust issued receipts provide adequate safeguards to prevent manipulative acts and practices and to protect investors and the public interest.

C. Disclosure and Dissemination of Information

The Commission believes that the Exchange's proposal will ensure that investors have information that will allow them to be adequately apprised of the terms, characteristics, and risks of trading trust issued receipts. The prospectus will address the special characteristics of Biotech HOLDRs, including a statement regarding their redeemability and method of creation. The Commission notes that all investors in Biotech HOLDRs who purchase in the initial offering will receive a prospectus. In addition, anyone purchasing Biotech HOLDRs directly from the trust (by delivering the underlying securities to the trust) will also receive a prospectus. Finally, all CHX member firms who purchase Biotech HOLDRs from the trust for resale to customers must deliver a prospectus to such customers.

The Commission also notes that upon the initial listing of any trust issued receipts, the Exchange will issue a circular to its members explaining the unique characteristics and risks of this type of security. The circular also notes the Exchange members' prospectus delivery requirements, and highlights the characteristics of Biotech HOLDRs. The circular also will inform members of Exchange policies regarding trading halts in Biotech HOLDRs.

D. Accelerated Approval

CHX has requested that the Commission find good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice in the **Federal Register.** The Commission believes that the Exchange's proposal to trade Biotech HOLDRs pursuant to UTP privileges, will provide investors with a convenient and less expensive ways of participating in the securities markets. The Commission believes that the proposed rule change could produce added benefits to investors through the increased competition between other market centers trading the products. Specifically, the Commission believes that by increasing the availability of trust issued receipts, and in particular Biotech HOLDRs, as an investment tool, the CHX's proposal should help provide investors with increased flexibility in satisfying their investment needs. This is achieved by allowing investors to purchase and sell a single security replicating the performance of a broad portfolio of stocks at negotiated prices throughout the business day. The Commission notes, however, that, notwithstanding approval of the listing standards for Biotech HOLDRs, other similarly structured products, including trust issued receipts based on other industries, will require review by the Commission prior to being traded on the Exchange. Moreover, additional series cannot be listed by the Exchange prior to contacting Division staff. In addition, the CHX may be required to submit a rule filing prior to trading a new issue or series on the Exchange.

As noted above, the Commission has approved the listing and trading of Biotech HOLDRs at the Amex, under rules that are substantially similar to CHX Article XXVIII, Rule 27. The trading requirements of trust issued receipts at the CHX are substantially similar to the trading requirements of trust issued receipts at the Amex. The Commission published those rules in the **Federal Register** for the full notice and comment period. No comments were received on the proposed rules, and the Commission found them consistent with the Act.[16]The Commission believes that the trading of this product raises no new regulatory issues and, except for the composition of securities deposited in trust, the Biotech HOLDRs are structurally the same as the Internet HOLDRs trust issued receipts previously approved by the Commission by listing and trading on the Amex and CHX. Accordingly, the Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice of the filing thereof in the **Federal Register.**

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[17]that the

[13] The Commission has concerns about continued trading of the trust issued receipts whether listed or pursuant to UTP, if the number of component securities falls to a level below nine securities, because the receipts may no longer adequately reflect a cross section of the selected industry. Accordingly, the CHX has agreed to consult the Commission concerning continued trading, once the trust has fewer than nine component securities, and for each subsequent loss of a security thereafter.

[14] *See supra,* note 11.

[15] Trading rules pertaining to the availability of odd-lot trading do not apply because trust issued receipts only can be traded in round-lots.

[16] *See supra,* note 11.

[17] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–CHX–99–26), is hereby approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 00–2287 Filed 2–1–00; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before April 3, 2000.

ADDRESSES: Send all comments regarding whether this information collection is necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Gregory Diercks, Y2K Loan Program Manager, Office of Financial Assistance, Small Business Administration, 409 3rd Street, S.W., Suite 8100.

FOR FURTHER INFORMATION CONTACT: Dorothy Davidson, Accountant, 202–205–7661 or Curtis B. Rich, Management Analyst, 202–205–7030.

SUPPLEMENTARY INFORMATION:

Title: ''Amendments to License Application''.

Form No: 415C.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 1,200.

Annual Burden: 300.

Title: ''Request for Information Concerning Portfolio Financing''.

Form No: 857.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 2,160.

Annual Burden: 2,160.

Title: ''Request for Information Concerning Portfolio Financing''.

Form No: 860.

Description of Respondents: Small Business Investment Companies.

Annual Responses: 1,500.

Annual Burden: 750.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 00–2268 Filed 2–1–00; 8:45 am]

BILLING CODE 8025–01–P

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–6795]

Towing Safety Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meetings.

SUMMARY: The Towing Safety Advisory Committee (TSAC) and its working groups will meet to discuss various issues relating to shallow-draft inland and coastal waterway navigation and towing safety. All meetings will be open to the public.

DATES: TSAC will meet on Thursday, March 16, 2000 from 8 a.m. to 12:30 p.m. The working groups will meet on Wednesday, March 15, 2000, from 9 a.m. to 3:30 p.m. These meetings may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before March 7, 2000. Requests to have a copy of your material distributed to each member of the committee or working groups should reach the Coast Guard on or before March 3, 2000.

ADDRESSES: TSAC will meet in room 2415, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. The working groups will begin meeting in the same room and may move to separate spaces designated at that time.

Send written material and requests to make oral presentations to Mr. Gerald P. Miante, Commandant (G–MSO–1), Room 1210, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Gerald P. Miante, Assistant Executive Director, TSAC, telephone 202–267–0229, fax 202–267–4570, or e-mail at: gmiante@comdt.uscg.mil.

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda tentatively includes the following:

(1) Report of the Voyage Planning Work Group.

(2) Report of the Electronic Charting Work Group.

(3) Report from the Tug Assistance and Remote Anchor Release Work Group.

(4) Report of the Communications Work Group.

(5) Report of the Casualty Analysis Work Group.

(6) Status on Cargo Securing Practices.

(7) Project update on the Interim Rule (IR) ''Licensing and Manning for Officers of Towing Vessels''.

(8) Project update concerning Current Initiatives Regarding Crew Alertness.

(9) Project update on the Automated Information System (AIS).

(10) Project update on the International Maritime Information Safety System (IMISS).

(11) Discussion on (a) two task statements: Cargo Securing and Barge Structural Failure; and (b) unique features of the harbor services/ship assist sector.

Procedural

All meetings are open to the public. Please note that the meetings may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation at a meeting, please notify the Assistant Executive Director no later than March 7, 2000. Written material for distribution at a meeting should reach the Coast Guard no later than March 3, 2000. If you would like a copy of your material distributed to each member of the committee or working groups in advance of a meeting, please submit 25 copies to the Assistant Executive Director no later than February 28, 2000.

Information on Services for Individuals with Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Assistant Executive Director as soon as possible.

Dated: January 24, 2000.

Joseph J. Angelo,

Director of Standards, Marine Safety and Environmental Protection.

[FR Doc. 00–2146 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circular (AC) 23–XX–32, Installation of Terrain Awareness and Warning System (TAWS) Approved Under TSO–C151a for Part 23 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of availability of proposed Advisory Circular (AC) AC 23–XX–32 and request for comments.

SUMMARY: This notice announces the availability of and requests comments

regarding proposed Advisory Circular (AC) 23–XX–32, Installation of Terrain Awareness and Warning System (TAWS) Approved Under TSO–C151a for Part 23 Airplanes. This AC establishes an acceptable means, but not the only means, of obtaining FAA airworthiness approval for the installation of a TAWS that has been approved under Technical Standard Order (TSO)–C151a, Terrain Awareness and Warning System, in a Part 23 airplane.

DATES: Comments must be received on or before March 20, 2000. There will be no extensions for late comments.

ADDRESSES: Send both a hard copy and an electronic copy of all comments on the proposed AC to the Federal Aviation Administration, Attention: Pat Nininger (pat.nininger@faa.gov), Regulations and Policy Branch, ACE–111, Small Airplane Directorate, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106, telephone number (816) 329–4129, or facsimile (816) 329–4090.

FOR FURTHER INFORMATION CONTACT: Ervin Dvorak, Aerospace Engineer, Regulations and Policy Branch, ACE–111, Small Airplane Directorate, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106, telephone number (816) 329–4123.

SUPPLEMENTARY INFORMATION:

Comments Invited

Any person may obtain a copy of the proposed AC by contacting the person named above under **ADDRESSES** or the AC should be available within a few days on the internet at http://www.faa.gov/avr/air/airhome.htm. We invite interested persons to comment on the proposed AC by submitting comments to the address specified above. The FAA will consider all comments received on or before the closing date before issuing the AC. Comments may be examined at the Small Airplane Directorate, Federal Aviation Administration, 901 Locust, Room 301, Kansas City, Missouri 64106, between 7:30 a.m. and 4:00 p.m. weekdays, except Federal holidays.

Background

On November 29, 1999, the FAA issued TSO–C151a. TSO–C151a prescribes the minimum design standards that a TAWS must meet to be identified with the TSO–C151a marking. For further in-depth information concerning the TAWS' capabilities, refer to TSO–C151a.

The FAA's TSO process is a means of obtaining FAA design and performance approval for an appliance, system, or product. However, the TSO does not provide procedures for installation approval or procedures for design or implementation of an installation. With future rulemaking and heightened interest by manufacturers and operators to equip Part 23 airplanes with TAWS systems that are compliant with TSO–C151a, the FAA has recognized the need to establish guidance material for the design and test requirements for the installation of such systems. This AC has been developed as the means for providing such guidance for Part 23 airplanes.

Issued in Kansas City, Missouri, on January 19, 2000.

Michael Gallagher,

Manager, Small Airplane Directorate.

[FR Doc. 00–2247 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Proposed Advisory Circulars (AC) 25.981–1X, Fuel Tank Ignition Source Prevention Guidelines; and AC 25.981–2X, Fuel Tank Flammability Minimization

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed advisory circulars.

SUMMARY: The Federal Aviation Administration invites public comment on draft advisory material that provides guidelines for demonstrating compliance with proposed certification requirements for preventing ignition sources within the fuel tanks of transport category airplanes, as well as minimizing the formation of flammable vapors in the fuel tanks of those airplanes.

DATES: Comments must be received on or before March 27, 2000.

ADDRESSES: Send all comments on the proposed advisory circulars to the Federal Aviation Administration, Attention: Mike Dostert, Propulsion/Mechanical Systems Branch, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Ave. SW., Renton, WA 98055–4056. Comments may also be submitted electronically to the following address: mike.doster@faa.gov.

FOR FURTHER INFORMATION CONTACT: Mike Dostert at the above address, telephone (425) 227–2132; facsimile (425) 227–1320, or e-mail mike.dostert@faa.gov.

SUPPLEMENTARY INFORMATION:

How Do I Obtain a Copy of the Proposed Advisory Circulars?

You may obtain an electronic copy of the advisory circulars identified in this notice at the following Internet address: www.faa.gov/avr/air/airhome. htm. If you do not have access to the Internet, you may request a copy by contacting Domonique Adams, Program Management Branch, ANM–114, FAA Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2111.

How Do I Submit Comments on the Advisory Circulars?

Interested persons are invited to comment on the proposed advisory material by submitting such written data, views, or arguments as they may desire. Comments must identify the title of the AC and be submitted in duplicate to the address specified above. The Transport Airplane Directorate will consider all comments received on or before the closing date for comments before issuing the final advisory material.

Discussion

In Notice of Proposed Rulemaking 99–18, published in the **Federal Register** on October 29, 1999 (64 FR 58656), the FAA requested public comment on a proposal to require design approval holders of certain turbine-powered transport category airplanes to submit substantiation to the FAA that the design of the fuel tank system of previously certificated airplanes precludes the existence of ignition sources within the airplane fuel tanks. The proposed rule would also require the affected design approval holders to develop specific fuel tank system maintenance and inspection instructions for any items in the fuel tank system that re determined to require repetitive inspections or maintenance, to assure the safety of the fuel tank system. In addition, the proposed rule would require certain operators of those airplanes to incorporate FAA-approved fuel tank system maintenance and inspection instructions into their current maintenance or inspection program.

In addition to the amendments proposed in Notice 99–18, the FAA announced the development of advisory material to supplement the proposals. This notice announces the availability of that advisory material for public comment.

The first advisory circular, AC 25.981–1X, Fuel Tank Ignition Source Prevention Guidelines, provides

guidance on how to substantiate that ignition sources will not be present in airplane fuel tank systems following failures or malfunctions of airplane components or systems. Also included is guidance for developing any limitations for the instructions for Continued Airworthiness that may be generated by the fuel tank system safety assessment identified in Notice 99–18.

The second advisory circular, AC 25.981–2X, Fuel Tank flammability Minimization, provides information and guidance concerning compliance with the standards proposed in Notice 99–18 pertaining to minimizing the formation of flammable vapors in the fuel tanks, or mitigation of any hazards if ignition does occur.

Issued in Renton, WA, on January 14, 2000.

Vi L. Lipski,

Acting manager, Transport Airplane Directorate Aircraft Certification Service, ANM–100.

[FR Doc. 00–2262 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–01]

Petition for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before February 22, 2000.

ADDRESSES: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No. _____ 800 Independence Avenue, SW., Washington, D.C. 20591.

Comments may also be sent electronically to the following internet address: 9-NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, D.C. 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, D.C., on January 27, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Petitions for Exemption

Docket No.: 29854.
Petitioner: LifePort, Inc.
Section of the FAR Affected: 14 CFR 25.785(b) and 25.562.
Description of Relief Sought: To permit installation of a medical stretcher for carriage of non-ambulatory persons on a Gulfstream GV airplane.

Docket No.: 29859.
Petitioner: Hawaiian Airlines, Inc.
Section of the FAR Affected: 14 CFR 121.344(b)(3) and 121.226(b)(3).
Description of Relief Sought: To permit Hawaiian to operate nine McDonnell Douglas DC–9 airplanes after August 20, 2001, until their expected retirement dates, on or before December 31, 2001, without installing the required digital flight data recorder in each airplane.

Docket No.: 29791.
Petitioner: United Parcel Service, Inc.
Section of the FAR Affected: 14 CFR 61.77(a).
Description of Relief Sought: To permit UPS to obtain special purpose pilots authorizations for certain holders of foreign pilot certificates to ferry U.S.-registered Boeing 727 aircraft listed on the UPS Operations Specifications between non-U.S. airports.

Docket No.: 29626.
Petitioner: Glen G. Rowlinson.
Section of the FAR Affected: 14 CFR 65.91(c)(1).
Description of Relief Sought: To permit Glen G. Rowlinson to be eligible for an inspection authorization without holding a current mechanic certificate with airframe and powerplant ratings that have been in effect for a total of at least 3 years.

Docket No.: 29745.
Petitioner: C&S Aviation, Limited.
Section of the FAR Affected: 14 CFR 135.25(b) and (c).
Description of Relief Sought: To permit C&S to operate under part 135 without having exclusive use of at least one aircraft that meets the requirements for at least one kind of operation authorized by C&S's operations specifications.

Dispositions of Petitions

Docket No.: 29531.
Petitioner: Dornier Luftfahrt GmbH.
Section of the FAR Affected: 14 CFR 25.841(a)(2) and (a)(3).
Description of Relief Sought/ Disposition: To allow the Dornier Model 328–300 airplanes to operate up to a maximum altitude of 35,000 feet instead of 31,000 feet, which is the currently approved limitation.

Denial, 12/22/99, Exemption No. 7090

Docket No.: 29871.
Petitioner: Construcciones Aeronauticas, S.A.
Section of the FAR Affected: 14 CFR 25.723.
Description of Relief Sought/ Disposition: To permit Construcciones Aeronauticas, S.A., have one additional year to demonstrate compliance with § 25.723 for the CASA Model C–295 landing gear system.

Partial Grant, 12/17/99, Exemption No. 7088

Docket: No.: 29687.
Petitioner: R&M Aviation.
Section of the FAR Affected: 14 CFR 135.143(c)(2).
Description of Relief Sought/ Disposition: To permit R&M to operate its Agusta A–109E helicopter (Registration No. N97CH; Serial No. 11012) under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 11/19/99, Exemption No. 7078

Docket No.: 29818.
Petitioner: Michael Hoeffler.
Section of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121
Description of Relief Sought/ Disposition: To permit Michael Hoeffler to conduct a local sightseeing flight at the Minute Man Airfield in Stow, Massachusetts, for the Bolton Historical Society, for compensation or hire, without complying with certain anti-

drug and alcohol misuse prevention requirements of part 135.

Grant, 12/3/99, Exemption No. 7085

Docket No.: 23358.

Petitioner: Clarke Environmental Mosquito Management, Inc.

Section of the FAR Affected: 14 CFR 91.313(c).

Description of Relief Sought/ Disposition: To allow CEMM to carry passengers in its Bell 47G–4A and 47G–3B–1 helicopters and Piper PA23–250, certificated in the restricted category, while performing aerial-site survey flights.

Grant, 12/1/99, Exemption No. 6701A

Docket No.: 29862.

Petitioner: Fairbury Area Pilots.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendices I and J to part 121

Description of Relief Sought/ Disposition: To allow FAP to conduct local sightseeing flights at an airport in the vicinity of Fairbury, Nebraska for a charity fundraiser on two days in December, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 12/15/99, Exemption No. 7086

Docket No.: 29857.

Petitioner: Flying Conestoga's.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendixes I and J to part 121.

Description of Relief Sought/ Disposition: To allow Flying Conestoga's to conduct local sightseeing flights at an airport in the vicinity of Beatrice, Nebraska for a charity fundraiser on two days in December, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 12/15/99, Exemption No. 7087

Docket No.: 26101.

Petitioner: America West Airlines.

Section of the FAR Affected: 14 CFR 93.123.

Description of Relief Sought/ Disposition: To permit America West to operate three flights at Ronald Reagan Washington National Airport (DCA). The slots for these flights previously were granted to Braniff Airlines, Inc., under Exemption No. 3927.

Grant, 12/15/99, Exemption No. 5133I

Docket No.: 28470.

Petitioner: Compoende Aeronautica Ltda.

Section of the FAR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To permit Compoende to use the calibration standards of the Instituto Nacional de Metrologia, Normalizaçao e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment.

Grant, 10/28/99, Exemption No. 6550B

Docket No.: 28924.

Petitioner: STUNTS Adventure Equipment, Inc.

Section of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought/ Disposition: To permit SAE to allow its employees, representatives, and other volunteer experimental parachute test jumpers under its direction and control to make tandem parachute jumps while wearing a dual-harness, dual-parachute pack having at least one main parachute and one approved auxiliary parachute packed in accordance with § 105.43(a). The exemption also permits pilots in command of aircraft involved in these operations to allow such persons to make these parachute jumps.

Grant, 10/28/99, Exemption No. 6693A

Docket No.: 28708

Petitioner: Empire Airlines, Inc.

Section of the FAR Affected: 14 CFR 43.9 and 121.709(b)(3).

Description of Relief Sought/ Disposition: To permit empire to use electronic signatures in lieu of physical signatures to satisfy airworthiness release or aircraft log entry signature requirements of § 43.9 for operations conducted under 14 CFR part 135 and § 121.709(b)(3) for operations conducted under part 121.

Grant, 11/2/99, Exemption No. 6668B

Docket No.: 29810.

Petitioner: IHC Life Flight.

Section of the FAR Affected: 14 CFR 135.143(c)(2)

Description of Relief Sought/ Disposition: To permit IHC Life Flight to operate three Super King Air B200 aircraft (Registration Nos. N301HC, N401HC and N501HC; Serial Nos. BB–1219, BB–1294, and BB–1306, respectively) and two Agusta A 109K2 rotorcraft (Registration Nos. N109RX and N123RX; Serial Nos. 10016 and 10018, respectively) under part 135 without a TSO–C112 (Mode S) transponder installed in each aircraft.

Grant, 11/19/99, Exemption No. 7079

Docket No.: 28732.

Petitioner: Vieques Air Link, Inc.

Section of the FAR Affected: 14 CFR 121.356.

Description of Relief Sought/ Disposition: To allow Vieques to operate its Britten-Norman BN–2A Mark III Trislander aircraft without TCAS equipment installed.

Partial Grant, 11/8/99, Exemption No. 7067

Docket No.: 29776.

Petitioner: Pomona Valley Pilots Association.

Section of the FAR Affected: 14 CFR 135.251, 135.255, and 135.353, and appendixes I and J to part 121

Description of Relief Sought/ Disposition: To allow the PVPA to conduct local sightseeing flights at Brackett Airport for the first annual Air Fair on November 6 and 7, 1999, for compensation or hire, without complying with certain anti-drug and alcohol misuse prevention requirements of part 135.

Grant, 11/5/99, Exemption No. 7066

Docket No.: 29566.

Petitioner: ANA IHI Aero-engines Co., Ltd.

Section of the FAR Affected: 14 CFR 145.47(b).

Description of Relief Sought/ Disposition: To allow AIA to substitute the calibration standards of the National Research Laboratory of Metrology (NRLM) and Electrotechnical Laboratory (ETL), Japan's national standards organizations, for the calibration standards of the U.S. National Institute of Standards and Technology (NIST), formerly the National Bureau of Standards, to test its inspection and test equipment.

Grant, 11/22/99, Exemption No. 7071

Docket No.: 29727.

Petitioner: Trajen, Inc.

Section of the FAR Affected: 14 CFR 135.143(c)(2).

Description of Relief Sought/ Disposition: To allow Trajen to operate its Mooney M20M aircraft (Registration No. N57TF, Serial No. 270257) under part 135 without a TSO–C112 (Mode S) transponder installed in the aircraft.

Grant, 10/28/99 Exemption No. 7062

[FR Doc. 00–2259 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2000–02]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petitions for exemption received and of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption (14 CFR Part 11), this notice contains a summary of certain petitions seeking relief from specified requirements of the Federal Aviation Regulations (14 CFR Chapter I), dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion of omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

DATE: Comments on petitions received must identify the petition docket number involved and must be received on or before February 22, 2000.

ADDRESS: Send comments on any petition in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn: Rule Docket (AGC–200), Petition Docket No.__, 800 Independence Avenue, SW., Washington, DC 20591.

Comments may also be sent electronically to the following internet address: 9__NPRM-cmts@faa.gov.

The petition, any comments received, and a copy of any final disposition are filed in the assigned regulatory docket and are available for examination in the Rules Docket (AGC–200), Room 915G, FAA Headquarters Building (FOB 10A), 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3132.

FOR FURTHER INFORMATION CONTACT: Cherie Jack (202) 267–7271 or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW, Washington, DC 20591.

This notice is published pursuant to paragraphs (c), (e), and (g) of § 11.27 of Part 11 of the Federal Aviation Regulations (14 CFR Part 11).

Issued in Washington, DC., on January 27, 2000.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: 28357.

Petitioner: United Airlines, Inc.

Section of the FAR Affected: 14 CFR 145.45(f).

Description of Relief Sought/Disposition: To permit United Airlines, Inc., to make available to all of its supervisory and inspection personnel one copy of its repair station inspection procedures manual, rather than giving a copy of the manual to each of these individuals.

Grant, 01/04/2000, Exemption No. 6393B

Docket No.: 28576.

Petitioner: Taxi Aereo Marilia, S.A.

Section of the FAR Affected: 14 CFR 145.47(b).

Description of Relief Sought/Disposition: To permit Taxi Aereo Marilia, S.A. to use the calibration standards of the Institute Nacional de Metrologia, Normalizacao e Qualidade Industrial in lieu of the calibration standards of the U.S. National Institute of Standards and Technology to test its inspection and test equipment.

Grant, 01/11/2000, Exemption No. 6855A

Docket No.: 29108.

Petitioner: Skydive Dallas, Inc.

Section of the FAR Affected: 14 CFR 105.43(a).

Description of Relief Sought/Disposition: To permit Skydive Dallas, Inc., to allow nonstudent foreign nationals to participate in Skydive Dallas-sponsored parachute jumping events without complying with the parachute equipment and packing requirements of § 105.43(a).

Grant, 01/04/2000, Exemption No. 6744A

Docket No.: 29468.

Petitioner: China Aircraft Services Limited.

Section of the FAR Affected: 14 CFR 145.37(b).

Description of Relief Sought/Disposition: To permit China Aircraft Services Limited to qualify for a part 145 repair station certificate without meeting the special housing and facility requirements of § 145.37(b).

Denial, 01/04/2000, Exemption No. 7095

Docket No.: 29509.

Petitioner: Michelin Aircraft Tire Corporation.

Section of the FAR Affected: 14 CFR 21.325(b)(3).

Description of Relief Sought/Disposition: To allow the issuance of U.S. export airworthiness approvals for aircraft tires manufactured and located at Michelin Aircraft Tire Corporation's Nong Khae, Thailand, factory.

Grant, 01/14/2000, Exemption No. 7099

[FR Doc. 00–2260 Filed 02–01–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[RTCA Special Committee 159]

Minimum Operational Performance Standards for Airborne Navigation Equipment Using Global Positioning System (GPS)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 159 meeting to be held February 14–18, 2000, starting at 9 a.m. each day. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW, Washington, DC 20036.

The agenda will be as follows:

Specific Working Group Sessions: February 14: 9 a.m.–12 p.m., Working Group 1, Third Civil Frequency; 1:30 p.m.–4:30 p.m., SC–159 Pseudolite Subgroup. February 15: Working Group 4, Precision Landing Guidance (GPS/LAAS). February 16: 9 a.m.–12 p.m., Working Group 4, Precision Landing Guidance (GPS/LAAS); Working Group 6, Interference, will begin a new activity for a detailed assessment of the radio frequency interference (RFI) environment relevant to GPS operation at the proposed new L5 frequency (176.45 MHz). This assessment is expected to be similar in scope to the one for L1 (1575.42 MHz) that was completed in 1996 and documented in RTCA DO–235. 1:30 p.m.–4:30 p.m., SC–159 Ad Hoc, Recommendation Support. February 17: Working Group 2, GPS/WAAS; Working Group 2C, GPS/Inertial; Working Group 4, Precision Landing Guidance (LAAS); Working Group 5, Airport Surface Surveillance.

February 18: Plenary Session: (1) Chairman's Introductory Remarks; (2) Approval of Summary of the Previous Meeting held October 7–8, 1999; (3) Review Working Group Progress and Identify Issues for Resolution: (a) GPS/3nd Civil Frequency (WG–1); (b) GPS/WAAS (WG–2); (c) GPS/GLONASS (WG–2A); (d) GPS/Inertial (WG–2C); (e) GPS/Precision Landing Guidance and

(WG–4); (f) GPS/Airport Surface Surveillance (WG–5); (g) GPS Interference (WG–6); (h) SC–159 Ad Hoc. (4) Review of EUROCAE Activities; (5) Future Work Plan for GNSS Application to Airport Surface Operations; (6) Assignment/Review of Future Work; (7) Other Business; (8) Date and Location of Next Meeting; (9) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact Mr. Harold Moses, RTCA Program Director, at (202) 833–9339 (phone), (202) 833–9434 (fax), or hmoses@rtca.org (electronic mail). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on January 27, 2000.

Janice L. Peters,

Designated Official.

[FR Doc. 00–2266 Filed 02–01–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Detroit Metropolitan Wayne County Airport, Detroit, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Detroit Metropolitan Wayne County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATE: Comments must be received on or before March 3, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. David M. Katz, Director of Airports of the Detroit Metropolitan Wayne County Airport at the following address: Wayne County Division of Airports, Detroit Metropolitan Wayne County Airport L.C. Smith Terminal-Mezzanine, Detroit, Michigan 48242.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Charter County of Wayne, Michigan under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Robert L. Conrad, Program Manager, Federal Aviation Administration, Detroit Airports District Office, Willow Run Airport, East, 8820 Beck Road, Belleville, Michigan 48111 (734–487–7295). 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 Detroit Metropolitan Wayne County Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On December 7, 1999 the FAA determined that the application to impose and use the revenue from a PFC submitted by Charter County of Wayne, Michigan was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than February 16, 2000.

The following is a brief overview of the application

PFC Application No.: 00–04–C–00–DTW.

Level of the proposed PFC: $3.00.

Proposed charge effective date: October 1, 2029.

Proposed charge expiration date: October 1, 2031.

Total estimated PFC revenue: $203,207,000.00.

Brief description of proposed projects: Runway 21C/3C Keel Section Replacement, Runway 4/22 Design and Construction, Rebuild Outfall Structures at Ponds 3 and 4, 21 C Remote Primary Deicing Pad, Grade/Pave Taxiway ''K'' Islands. Class or classes of air carriers which the pubic agency has requested not be required to collect PFCs: The County has requested that all air carriers or foreign air carriers which enplane fewer than 500 passengers each year be exempt from collecting a PFC.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the application, notice, and other documents germane to the application in person at the Wayne County Division of Airports, Detroit Metropolitan Wayne County Airport L.C. Smith Terminal-Mezzanine, Detroit, Michigan.

Issued in Des Plaines, Illinois on January 13, 2000.

Benito De Leon,

Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 00–2265 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Juneau International Airport, Anchorage, AK

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Juneau 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) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 3, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Ronnie V. Simpson, Manager, Alaskan Region Airports Division, 222 West 7th, Box 14, Anchorage, AK 99513–7587.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Allan A. Heese, Acting Airport Manager, at the following address: Juneau International Airport, 1873 Shell Simmons Drive, Juneau, AK 99801.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Juneau International Airport under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Debbie Roth, Program Specialist, Alaskan Region Airports Division,

Planning and Programming Branch, AAL–611A, 222 W 7th, Box 14, Anchorage, AK, 99513, 907 271–5443. 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 (#00–02–C–00–JNU) to impose and use the revenue from a PFC at Juneau 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 January 10, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the City and Borough of Juneau, Juneau International Airport, Juneau, Alaska, was substantially complete within the requirements of section 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than May 5, 2000.

The following is a brief overview of the application.

Application number: 00–02–C–00–JNU.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 2000.

Proposed charge expiration date: April 30, 2001.

Total estimated PFC revenue: $501,662.

Brief description of proposed projects: Acquire security access control equipment; Acquire snow removal equipment; Replace terminal carpeting; Upgrade access roads; Relocate ASOS; Acquire security vehicle.

Class or classes of air carriers which the public agency has requested not be required to collect PFCs: All air carriers while operating on essential air service (EAS) routes from Juneau that do not receive essential air service compensation; All current air carriers enplaning 1,000 or less passengers annually from Juneau as published in the most current Air Carrier Activity Information System (ACAIS) Database.

Note: All carriers receiving essential air service compensation on designated essential air service routes are exempt by section 158.9A of Part 158.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** located at the FAA, Alaskan Region Airports Division, Anchorage, Alaska.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Juneau International Airport, 1873 Shell Simmons Drive, Juneau, AK 99801.

Issued in Anchorage, Alaska on January 18, 2000.

Ronnie V. Simpson,

Manager, Airports Division, Alaskan Region.

[FR Doc. 00–2261 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose a Passenger Facility Charge (PFC) at Orlando International Airport (MCO), Orlando, Florida and Use the Revenue From a PFC at MCO and Orlando Executive Airport (ORL), Orlando, FL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose a PFC at MCO and use the revenue from a PFC at MCO and ORL under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATE: Comments must be received on or before March 3, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Egerton van den Berg, Executive Director of Greater Orlando Aviation Authority (GOAA) at the following address: Orlando International Airport, One Airport Boulevard, Orlando, Florida 32827–4399.

Air carriers and foreign air carriers may submit copies of written comments previously provided to GOAA under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Mr. Pablo G. Auffant, Program Manager, Orlando Airports District Office, 5950 Hazeltine National Drive, Suite 400, Orlando, Florida 32822, (407) 812–6331, extension 30. 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 a PFC at MCO and use the revenue from a PFC at MCO and ORL under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 12, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by GOAA was substantially complete within the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 19, 2000.

The following is a brief overview of the application.

PFC Application No.: 00–07–C–00–MCO.

Level of the proposed PFC: $3.00.

Proposed charge effective date: November 1, 2002.

Proposed charge expiration date: August 1, 2007.

Total estimated PFC revenue: $174,364,294

Brief description of proposed project(s): Mid-Crossfield Taxiway Bridge Extension—Construction (MCO); Heintzelman Boulevard—Construction (MCO); South Access Road Widening—Construction (MCO); South Terminal Complex (Phase 1), Site Grading and Drainage—Design and Construction (MCO); South Terminal Complex—Design (MCO); Fourth Runway (MCO); Taxiway System for the Fourth Runway (MCO); Drainage Improvements—Design & Construction (ORL); Runway 7/25 High Speed Exit Taxiway & Holding Bay 7—Construction (ORL); Taxiway Stubouts and Holding Bays 25 & 31—Design (ORL).

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.**

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at GOAA.

Dated: Issued in Orlando, Florida on January 21, 2000.

Bart Vernace,

Acting Manager, Orlando Airports District Office, Southern Region.

[FR Doc. 00–2263 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent To Rule on Application To Impose and Use the Revenue From a Passenger Facility Charge (PFC) at Rapid City Region Airport, Rapid City, South Dakota

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Intent to Rule on Application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use the revenue from a PFC at Rapid City Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

DATES: Comments must be received on or before March 3, 2000.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: Federal Aviation Administrator, Bismarck Airports District Office, 2000 University Drive, Bismarck, North Dakota 58504.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bradley A. Hagen, Executive Director, of the Rapid City Regional Airport at the following address: Rapid City Regional Airport, 4550 Terminal Road, Suite 102, Rapid City, South Dakota 57701–8706.

Air carriers and foreign air carriers may submit copies of written comments previously provided to the Rapid City Regional Airport under section 158.23 of Part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Irene R. Porter, Manager, Bismarck Airports District Office, 2000 University Drive, Bismarck, North Dakota 58504, (701) 250–4385. 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 Rapid City Regional Airport under the provisions of the Aviation Safety and Capacity Expansion Act of 1990 (Title IX of the Omnibus Budget Reconciliation Act of 1990) (Public Law 101–508) and Part 158 of the Federal Aviation Regulations (14 CFR Part 158).

On January 6, 2000, the FAA determined that the application to impose and use the revenue from a PFC submitted by the Rapid City Regional Airport was substantially complete with the requirements of section 158.25 of Part 158. The FAA will approve or disapprove the application, in whole or in part, no later than April 8, 2000.

The following is a brief overview of the application.

PFC application number.: 00–02–C–00–RAP.

Level of the proposed PFC: $3.00.

Proposed charge effective date: April 1, 2000.

Proposed charge expiration date: June 30, 2003.

Total estimated PFC revenue: $1,791,732.00.

Brief description of proposed project(s): (1) Friction Measuring Device; (2) Access Control Security System; (3) Extend Runway 14 Safety Area & Relocate Road C232; (4) Correct ILS Critical Area for Runway 32; (5) ARFF HVAC Improvements; (6) Airfield Regulators; (7) Snow Removal Equipment (SRE) Storage Facility; (8) Covered Passenger Boarding Walkway Acquisition; (9) Computerized Airfield Lighting Controls; (10) Air Carrier Terminal Building EPS/UPS; (11) General Aviation Taxiways Rehabilitation Project; (12) General Aviation Airport Entrance Road Rehabilitation Project; (13) Asphalt Paving Projects—Alpha and Alpha 3 Taxiways; (14) Airport Entrance Road Rehabilitation; (15) High Intensity Runway Lighting (16) Aircraft Rescue Fire Fighting (ARFF) Vehicle Acquisition; (17) Passenger Loading Bridge (Jetway) Acquisition; (18) Flight Information Display System (FIDS); (19) Snow Blower Acquisition; (20) Snow Removal Equipment (SRE) Acquisition—Plow/Truck/Spreader; (21) Snow Removal Equipment (SRE) Acquisition—Plow/Truck/Spreader; (22) Snow Removal Equipment (SRE) Acquisition—Loader with Ramp Bucket/Plow; (23); Runway 14/32 Rehabilitation Project; (24) Terminal Apron Rehabilitation; and (25) Runway 5/23 Rehabilitation. Class or classes of air carriers which the public agency has requested not be required to collect PFCs: Air Taxi/Commercial Operators Filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Rapid City Regional Airport.

Issued in Des Plaines, Illinois on January 13, 2000.

Benito De Leon,

Manager, Planning and Programming Branch, Airports Division, Great Lakes Region.

[FR Doc. 00–2264 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Emergency Order No. 22, Notice No. 2]

Oregon Pacific Railroad; Notice of Relief From Emergency Order No. 22

AGENCY: Federal Railroad Administration, Department of Transportation.

ACTION: Notice of Relief.

SUMMARY: This notice provides relief for the Oregon Pacific Railroad from the limitations of Federal Railroad Administration (FRA) Emergency Order No. 22, issued December 16, 1999. The relief allows the Oregon Pacific Railroad to recommence operation of trains and other railroad on-track equipment on a railroad bridge it owns spanning Johnson Creek (hereinafter designated as the ''Johnson Creek Bridge'') in the City of Milwaukie, Oregon.

Authority

FRA is authorized to issue emergency orders where an unsafe condition or practice ''causes an emergency situation involving a hazard of death or personal injury.'' 49 U.S.C. § 20104. These orders may impose such ''restrictions and prohibitions * * * that may be necessary to abate the situation.'' *(Ibid.)* Likewise, FRA is authorized to grant relief from an emergency order when the agency deems that the unsafe condition or practice which gave rise to the emergency order no longer exists.

Background

The Oregon Pacific Railroad Company, a common carrier, is a part of the general railroad system of transportation and operates two principal segments of track. One of the segments crosses Johnson Creek in Milwaukie, Oregon, on a timber trestle bridge not identified by number and located approximately one-half mile upstream from the point where Johnson Creek empties into the Willamette River. In December, 1999, based on detailed inspections of the bridge, FRA determined that the Johnson Creek Bridge was in danger of imminent, catastrophic failure at any time that a railroad load passes over the bridge.

Failure of the bridge under load could have had very serious consequences. The bridge failure could have caused a train to fall into Johnson Creek, killing or injuring any railroad crew members operating rolling stock, killing or injuring any innocent bystanders using Johnson Creek or its banks, and possibly blocking the creek resulting in widespread flooding in the immediate area. Locomotive diesel fuel and/or fuel and contents of a mechanical refrigerator car could have caused severe environmental damage to Johnson Creek and the nearby Willamette River.

FRA therefore concluded that any railroad use of the Johnson Creek Bridge on the Oregon Pacific Railroad posed an imminent and unacceptable threat to public and employee safety involving a hazard of death or injury to persons. On December 16, 1999, the Federal Railroad Administrator issued Emergency Order No. 22 which prohibited all operations of trains and other railroad on-track equipment on the Johnson Creek Bridge until repairs were made and certified as sufficient by a licensed bridge engineer and approved by FRA.

Following the issuance of Emergency Order No. 22, the Oregon Pacific Railroad made repairs to the Johnson Creek Bridge under the guidance of a professional engineer licensed to practice in the State of Oregon. On January 17, 2000, FRA's professional bridge engineer inspected the Johnson Creek Bridge and found that the repairs made to the bridge since the issuance of Emergency Order No. 22 are sufficient to restore immediate safety to the bridge structure.

The termination of Emergency Order No. 22 does not indicate that FRA has made any determination regarding the capacity of the bridge in addition to the work performed by the professional engineer guiding the repairs on behalf of the Oregon Pacific Railroad. Relief from Emergency Order No. 22 simply means that FRA finds that the bridge no longer presents an imminent hazard of death or injury to persons. The Oregon Pacific Railroad continues to be fully responsible for the structural integrity and safe operation of the Johnson Creek Bridge. FRA strongly recommends that the Oregon Pacific Railroad follow a regular program of inspection and maintenance of all railroad bridges owned and operated by the railroad.

Relief

In light of the foregoing, I grant the Oregon Pacific Railroad relief from Emergency Order No. 22. The railroad may immediately recommence operation of trains and other railroad on-track equipment on the Johnson Creek Bridge in the City of Milwaukie, Oregon. The issuance of this Notice does not preclude imposition of another emergency order governing the condition of the bridge should that condition again deteriorate to the extent that I believe it poses an imminent and unacceptable threat to public safety.

Issued in Washington on January 20, 2000.

Jolene M. Molitoris,

Administrator.

[FR Doc. 00–2229 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2000–6820]

Notice of Receipt of Petition for Decision That Nonconforming 1997–2000 Audi A8 Passenger Cars Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 1997–2000 Audi A8 passenger cars are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 1997–2000 Audi A8 passenger cars that were not originally manufactured to comply with all applicable Federal motor vehicle safety standards are eligible for importation into the United States because (1) they are substantially similar to vehicles that were originally manufactured for importation into and sale in the United States and that were certified by their manufacturer as complying with the safety standards, and (2) they are capable of being readily altered to conform to the standards.

DATES: The closing date for comments on the petition is March 3, 2000.

ADDRESSES: Comments should refer to the docket number and notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm].

FOR FURTHER INFORMATION CONTACT: George Entwistle, Office of Vehicle Safety Compliance, NHTSA (202–366–5306).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(A), a motor vehicle that was not originally manufactured to conform to all applicable Federal motor vehicle safety standards shall be refused admission into the United States unless NHTSA has decided that the motor vehicle is substantially similar to a motor vehicle originally manufactured for importation into and sale in the United States, certified under 49 U.S.C. 30115, and of the same model year as the model of the motor vehicle to be compared, and is capable of being readily altered to conform to all applicable Federal motor vehicle safety standards.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Champagne Imports of Lansdale, Pennsylvania (''Champagne'') (Registered Importer 90–009) has petitioned NHTSA to decide whether 1997–2000 Audi A8 passenger cars are eligible for importation into the United States. The vehicles which Champagne believes are substantially similar are 1997–2000 Audi A8 passenger cars that were manufactured for importation into, and sale in, the United States and certified by their manufacturer as conforming to all applicable Federal motor vehicle safety standards.

The petitioner claims that it carefully compared non-U.S. certified 1997–2000 Audi A8 passenger cars to their U.S.-certified counterparts, and found the vehicles to be substantially similar with respect to compliance with most Federal motor vehicle safety standards.

Champagne submitted information with its petition intended to demonstrate that non-U.S. certified 1997–2000 Audi A8 passenger cars, as originally manufactured, conform to many Federal motor vehicle safety standards in the same manner as their U.S. certified counterparts, or are capable of being readily altered to conform to those standards.

Specifically, the petitioner claims that non-U.S. certified 1997–2000 Audi A8 passenger cars are identical to their U.S. certified counterparts with respect to

compliance with Standard Nos. 102 *Transmission Shift Lever Sequence. . . .,* 103 *Defrosting and Defogging Systems,* 104 *Windshield Wiping and Washing Systems,* 105 *Hydraulic Brake Systems,* 106 *Brake Hoses,* 109 *New Pneumatic Tires,* 113 *Hood Latch Systems,* 116 *Brake Fluid,* 124 *Accelerator Control Systems,* 201 *Occupant Protection in Interior Impact,* 202 *Head Restraints,* 204 *Steering Control Rearward Displacement,* 205 *Glazing Materials,* 206 *Door Locks and Door Retention Components,* 207 *Seating Systems,* 209 *Seat Belt Assemblies,* 210 *Seat Belt Assembly Anchorages,* 212 *Windshield Retention,* 216 *Roof Crush Resistance,* 219 *Windshield Zone Intrusion,* and 302 *Flammability of Interior Materials.*

Petitioner states that the vehicles also comply with the Bumper Standard found at 49 CFR Part 581.

Petitioner also contends that the vehicles are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 101 *Controls and Displays:* (a) substitution of a lens marked ''Brake'' for a lens with a noncomplying symbol on the brake failure indicator lamp; (b) installation of a seat belt warning lamp that displays the appropriate symbol; (c) recalibration of the speedometer/odometer to show distance in miles and speed in miles per hour.

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* (a) installation of U.S.-model headlamp assemblies; (b) installation of U.S.-model front and rear sidemarker/reflector assemblies; (c) installation of U.S.-model taillamp assemblies; (d) installation of a high mounted stop lamp if the vehicle is not already so equipped.

Standard No. 110 *Tire Selection and Rims:* installation of a tire information placard.

Standard No. 111 *Rearview Mirror:* replacement of the passenger side rearview mirror with a U.S.-model component.

Standard No. 114 *Theft Protection:* installation of a warning buzzer and a warning buzzer microswitch in the steering lock assembly.

Standard No. 118 *Power Window Systems:* rewiring of the power window system so that the window transport is inoperative when the ignition is switched off.

Standard No. 208 *Occupant Crash Protection:*

(a) installation of a U.S.-model seat belt in the driver's position, or a belt webbing actuated microswitch inside the driver's seat belt retractor; (b) installation of an ignition switch actuated seat belt warning lamp and buzzer; (c) replacement of the driver's and passenger's side air bags and knee bolsters with U.S.-model components on vehicles that are not already so equipped. The petitioner states that the vehicles are equipped with combination lap and shoulder belts that adjust by means of an automatic retractor and release by means of a single push button at the front outboard seating positions, with combination lap and shoulder restraints that release by means of a single push button at the rear outboard seating positions, and with a lap belt in the rear center designated seating position.

Standard No. 214 *Side Impact Protection:* installation of reinforcing door beams.

Standard No. 301 *Fuel System Integrity:* installation of a rollover valve in the fuel tank vent line.

The petitioner also states that a vehicle identification plate must be affixed to the vehicle to meet the requirements of 49 CFR Part 565.

Interested persons are invited to submit comments on the petition described above. Comments should refer to the docket number and be submitted to: Docket Management, Room PL–401, 400 Seventh St., SW, Washington, DC 20590. [Docket hours are from 9 am to 5 pm]. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 28, 2000.

Marilynne Jacobs,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 00–2276 Filed 2–1–00; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G, as amended, by the Health Insurance Portability and Accountability Act (HIPPA) of 1996. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a)) with respect to whom the Secretary received information during the quarter ending December 31, 1999.

ARMAJANI, JANET NURENE
ARPELS, MARIE THERESE, LOUISE
BELSER, LAWRENCE WALTER
BELSER, MARY JEAN
BERNARD, MARY CLAUDE
BOROSHOK, IRINA
BOROSHOK, ALEX
BOWLES-O'CONNELL DE GASPE
BEAUBIEN, NAN
BROWN, RICHARD N.
BUMSTEAD, ERIC L.
CASTRO, YVONNE MARIE
CHEUNG, YUN KUL
DE BUEIL, MARIE LAURE-SYBIL-MICHELE
DE SPOELBERCH, ERIC JACQUES
DE YOUNG, NINA
DOYLE, WILLIAM HENRY
FAULKNER, SHERYL ANN
FELSTINER, BARBARA JANE
FLEISCHAUER, MARTHA
FONG, DAVID MAN-HUNG
FRANKLIN, JOHN JOSEPH
FRANS, SUSAN ELLEN
FRIVALDO, JUAN GALLANOSA
FUSS, ALBERT
GAUM, KURT RUDOLF
GAUM-LANGEMANN, ROSA
GROSKING, YAEL REBECCA
HAUGHEY, STEPHEN EDWARD
HULTGRENF, RICHARD WESLEY
JEFFERIS, JENNIFER
JEFFERIS, JOHN
JENSEN, ALAN DALE
JEONG LEE, JAMES JAE
JOSPE, ROGER
JOSPE, CECIL
KALMAR, ERIK LESLIE
KIM, GRACE YOUNG
KIM, SUNG HEE
LABINE, GILE EMMANUEL
LEE, HYO SOP
LEE, CHONG REA
LIEM, JACQUELINE MICHELLE
LIVINGSTON JR., EDMUND PENDLETON
LOUDERMILK, JAN ERNEST
LUNT, MICHAEL CHARLES
MINOR, AIKO ISHII
MIYAMOTO, SHINGO
MOLLER, MAREN
MOSS, VERONICA INEZ
NOBLE, BUTLER
PARK, THOMAS
PARK, JONGSOO
PAYNE, ERIC FRANCIS
POSS, CHRISTINE CHERYL
RICHTER, SHERYL NANCY
RUTHLEDGE, KI SON CHO
SAGIE, ISAAC
SANDERS-GUNN, KATHERLEEN
SHAVER, HELEN
SHEPARD, CHIN HUI
SHERMAN, JOAN ELLEN

SHERMAN, JACKIE ROBERT
SHINN, HENRY JOO
SHORT IV, ELLIS
SJOGREN, BERTIL E.
SOMERVILLE, SUSAN
SPITS, HILLEGONDA CATHERINE-LOUISE
SUNDAHL, ANN INGRID
TAKSHASHI, YOKOF ANNE
TASHIRO, YASUHISA
THOMPSON, BUDD
TOWER, SHAWN JENNIFER
UNGER, LUCINDA JO
VENTURA (GRACE U YI), GRACE MEYOUNG
VON BUSKIRK, CARL
WASHINGTON, PHILLIP BRENT
WEINGARTEN, MICHAEL SHELDON
WRIGHT, PAMELA JOAN
YE, LEE KWI
ZAKUS, PAUL D.
ZAKUS, MARGUERITE D.

Approved: January 18, 2000.

Doug Rogers,

Chief, Special Projects & Support Branch, International District.

[FR Doc. 00–2155 Filed 2–1–00; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0016]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 3, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0016.''

SUPPLEMENTARY INFORMATION:

Title: Claim for Disability Insurance Benefits, Government Life Insurance, VA Form 29–357.

OMB Control Number: 2900–0016.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used by the insurance activity to determine the insured's eligibility for disability insurance benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 23, 1999, at page 51585.

Affected Public: Individuals or Households.

Estimated Annual Burden: 14,175 hours.

Estimated Average Burden Per Respondent: 1 hour 45 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 8,100.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0016'' in any correspondence.

Dated: December 23, 1999.

By direction of the Secretary.

Sandra S. McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–2207 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0101]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 3, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0101.''

SUPPLEMENTARY INFORMATION:

Title: Eligibility Verification Reports (EVR) (Eleven of the EVRs are computer-generated forms which may be dispatched from VA's central computer. The remaining 11 forms (those with a ''–1'' suffix on the form number) are stocked forms).

a. Old Law Eligibility Verification Report (Surviving Spouse), VA Forms 21–0511S and 21–0551S–1.

b. Old Law Eligibility Verification Report (Veteran), VA Forms 21–0511V and 21–0511V–1.

c. Section 306 Eligibility Verification Report (Surviving Spouse), VA Forms 21–0512S and 21–0512S–1.

d. Section 306 Eligibility Verification Report (Veteran), VA Forms 21–0512V and 21–0512V–1.

e. Old Law and Section 306 Eligibility Verification Report (Children Only), VA Forms 21–0513 and 21–0513–1.

f. DIC Parent's Eligibility Verification Report, VA Forms 21–0514 and 21–0514–1.

g. Improved Pension Eligibility Verification Report (Veteran With No Children), VA Forms 21–0516 and 21–0516–1.

h. Improved Pension Eligibility Verification Report (Veteran With Children), VA Forms 21–0517 and 21–0517–1.

i. Improved Pension Eligibility Verification Report (Surviving Spouse With No Children), VA Forms 21–0518 and 21–0518–1.

j. Improved Pension Eligibility Verification Report (Child or Children), VA Forms 21–0519C and 21–0519C–1.

k. Improved Pension Eligibility Verification Report (Surviving Spouse With Children), VA Forms 21–0519S and 21–0519S–1.

OMB Control Number: 2900–0101.

Type of Review: Extension of a currently approved collection.

Abstract: The Eligibility Verification Reports are used to report changes in entitlement factors in VA's income-based benefit programs, pension and parents' Dependency and Indemnity Compensation (DIC). Any individual who has applied for or receives pension or parents' DIC must promptly notify VA in writing of any changes in entitlement factors. The reports are also

used to confirm that there have been no changes in entitlement factors.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on October 5, 1999 at page 54071.

Affected Public: Individuals or households.

Estimated Annual Burden: 146,947 hours.

Estimated Average Burden Per Respondent: 30 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 293,894.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0101'' in any correspondence.

Dated: December 28, 1999.

By direction of the Secretary.

Sandra McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–2208 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0119]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATE: Comments must be submitted on or before March 3, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0119.''

SUPPLEMENTAL INFORMATION:

Title: Report of Treatment in Hospital, VA FL 29–551.

OMB Control Number: 2900–0119.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Abstract: This form letter is used to collect information from hospitals to determine the insured's eligibility for disability insurance benefits.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 23, 1999, at pages 51585–51586.

Affected Public: Individuals or Households.

Estimated Annual Burden: 4,055 hours.

Estimated Average Burden Per Respondent: 12 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 20,277.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503 (202) 395–4650. Please refer to ''OMB Control No. 2900–0119'' in any correspondence.

Dated: December 23, 1999.

By direction of the Secretary:

Sandra S. McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–2209 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0381]

Agency Information Collection Activities Under OMB Review

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 3, 2000.

FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT: Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 273–8030 or FAX (202) 273–5981. Please refer to ''OMB Control No. 2900–0381.''

SUPPLEMENTARY INFORMATION:

Title: Notice for Election to Convey and/or Invoice for Transfer of Property, VA Form 26–8903.

OMB Control Number: 2900–0381 .

Type of Review: Extension of a currently approved collection.

Abstract: Section 3732 of Title 38, U.S.C., and 38 CFR 36.4320(a)(1), provides that if a minimum amount for credit to the borrower's indebtedness has been specified by VA in relation to the sale of the real property and the holder is the successful bidder at the sale for no more than the amount specified by the Secretary, the holder will credit the indebtedness with that amount. The holder may then retain the property, or not later than 15 days after the date of sale, advise the Secretary of its election to convey and transfer the property to the Secretary. VA Form 26–8903 serves four purposes: holder's election to convey; invoice for the purchase price of the property; VA's voucher for authorizing payment to the holder; and establishment of the VA's property records. The form provides the holder, who has elected to convey a property to the VA, with a convenient and uniform means of notification to the proper VA regional office. This form simplifies processing for lenders/holders who, in most instances, operate branch offices statewide and nationwide.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on

September 28, 1999, at pages 52371–52372.

Affected Public: Business or other for-profit.

Estimated Annual Burden: 5,000 hours.

Estimated Average Burden Per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 30,000.

Send comments and recommendations concerning any aspect of the information collected to VA's OMB Desk Officer, Allison Eydt, OMB Human Resources and Housing Branch, New Executive Office Building, Room 10235, Washington, DC 20503, (202) 395–4650. Please refer to ''OMB Control No. 2900–0381'' in any corespondence.

Dated: December 28, 1999.

By direction of the Secretary.

Sandra S. McIntyre,

Management Analyst, Information Management Service.

[FR Doc. 00–2210 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Nursing Research Subcommittee of the Scientific Review and Evaluation Board for Health Services Research and Development Service, Notice of Meeting

The Department of Veterans Affairs, Veterans Health Administration, gives notice under Pub. L. 92–463, that a meeting of the Nursing Research Subcommittee of the Scientific Review and Evaluation Board for Health Services Research and Development Service will be held at the Crowne Plaza Hotel, 14th and K Streets, NW, Washington, DC, April 11 through 12, 2000. On April 11, the meeting will convene from 8:00 a.m. until 5:00 p.m. and on April 12, from 8:00 a.m. until 5:00 p.m. The purpose of the meeting is to review nursing research applications that identify effective methods for improving, maintaining, and/or preventing decline in the functional status of patients; develop and test models that integrate patient care delivery and enhance health outcomes; and improve patient care. Applications are reviewed for scientific and technical merit. Recommendations regarding funding are prepared for the Chief Research and Development Officer.

This meeting will be open to the public at the start of the April 11 session for approximately one-half hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consult critiques of research protocols and similar documents. During this portion of the meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would be likely to frustrate significantly implementation of proposed agency action regarding such research projects). As provided by the subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b (c)(6) and (9)(B).

Those who plan to attend the open session should contact the Assistant Director of Scientific Review, (124F), Health Research Services and Development Service, Department of Veterans Affairs, 1400 I Street, N.W., Suite 780, Washington, D.C., at least five days before the meeting. For further information, call (202) 408–3665.

Dated: January 20, 2000.

By Direction of the Secretary.

Marvin R. Eason,

Committee Management Officer.

[FR Doc. 00–2206 Filed 2–1–00; 8:45 am]

BILLING CODE 8320–01–M

Corrections

Federal Register

Vol. 65, No. 22

Tuesday, February 2, 2000

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99-241-001]

ANR Pipeline Company; Notice of Application

Correction

In notice document 00-1177, beginning on page 2936 in the issue of Wednesday, January 19, 2000, make the following corrections:

1. The docket line should appear as set forth above.

2. On page 2936, the the second column, in the eighth line from the bottom, ''CP-241-001'' should read ''CP99-241-001''.

[FR Doc. C0-1177 Filed 2-1-00; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Declaration of Intention and Soliciting Comments, Motions To Intervene, and Protests

Correction

In notice document 00-1274 beginning on page 3228 in the issue of Thursday, January 20, 2000, in the third column, in paragraph b, ''D100-000'' should read ''DI00-1-000''.

[FR Doc. C0-1274 Filed 2-1-00; 8:45 am]

BILLING CODE 1505-01-D

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 144

[FRL-6482-2]

RIN 2040-AB83

Revisions to the Underground Injection Control Regulations for Class V Injection Wells

Correction

In rule document 99-31048, beginning on page 68546, in the issue of Tuesday, December 7, 1999, make the following correction:

§ 144.89 [Corrected]

On page 68572, in the first column, in § 144.89(a)(1), in the first line, ''Prior'' should read ''(1) Prior''.

[FR Doc. C9-31048 Filed 2-1-00; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

21 CFR Part 1308

[DEA No. 187I]

RIN 1117-AA51

Schedules of Controlled Substances: Exempt Anabolic Steroid Products

Correction

In rule document 00-1347, beginning on page 3124, in the issue of Thursday, January 20, 2000, make the following corrections:

§ 1308.34 [Corrected]

1. On page 3126, in § 1308.34, in the table, in the sixth column, the heading ''Quality'' should read ''Quantity''.

2. On the same page, in § 1308.34, in the table, in the sixth column, the last entry ''<0.6 w/v'' should read ''≤0.6% w/v''.

[FR Doc. C0-1347 Filed 2-1-00; 8:45 am]

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21, 25, 91, 121, 125 and 129

[Docket No. FAA-1999-6411; Notice No. 99-18]

RIN 2120-AG62

Transport Airplane Fuel Tank System Design Review, Flammability Reduction, and Maintenance and Inspection Requirements

Correction

In proposed rule document 99-28348 beginning on page, 58644, in the issue of Friday, October 29, 1999, make the following the correction:

On page 58644, in the first column, the docket number is corrected to read as set forth above.

[FR Doc. C9-28348 Filed 2-1-00; 8:45 am]

BILLING CODE 1505-01-D

Federal Register

Wednesday,
February 2, 2000

Part II

Department of Labor

Pension and Welfare Benefits Administration

Department of the Treasury

Internal Revenue Service

Pension Benefit Guaranty Corporation

Revision of Annual Information Return/Report; Notice of Adoption of Revised Forms

DEPARTMENT OF LABOR

Pension and Welfare Benefits Administration

DEPARTMENT OF THE TREASURY

Internal Revenue Service

PENSION BENEFIT GUARANTY CORPORATION

RIN 1210–AA52

Revision of Annual Information Return/Report

AGENCIES: Pension and Welfare Benefits Administration, Labor; Internal Revenue Service, Treasury; Pension Benefit Guaranty Corporation.

ACTION: Notice of adoption of revised forms.

SUMMARY: This document announces the adoption of the revised annual return/report forms (the Form 5500 Series) filed for employee pension, welfare and fringe benefit plans under the Employee Retirement Income Security Act of 1974, as amended (ERISA), and the Internal Revenue Code of 1986, as amended, (the Code). The Form 5500 Series is the principal source of information and data concerning the operation, funding, assets and investments of pension, welfare and fringe benefit plans, and also serves as the primary means by which the operation of plans can be monitored by participants, beneficiaries and the general public. The form revisions are being adopted concurrent with the implementation of a new computerized ERISA Filing Acceptance System (EFAST) to improve the forms and simplify and expedite the receipt and processing of the Form 5500 Series by relying on computer scannable forms and electronic filing technologies. The revised forms affect the financial and other information required to be reported and disclosed by employee benefit plans. The Form 5500–EZ is not discussed in this notice.

DATES: *Effective Date*: This notice is effective on February 2, 2000.

Applicability Date: The revised forms apply for plan years beginning on or after January 1, 1999.

FOR FURTHER INFORMATION CONTACT: George M. Holmes, Jr. or Eric A. Raps, Pension and Welfare Benefits Administration (PWBA), U.S. Department of Labor, (202) 219–8515, for questions relating to the Form 5500 and Schedules A, C, D, G, H and I as well as the reporting requirements under Title I of ERISA; James Flannery, Internal Revenue Service (IRS), (202) 622–6214, for questions relating to Schedules B, E, F, P, R, T and SSA as well as questions relating to the reporting requirements under Title II of ERISA; James J. Bloch, Pension Benefit Guaranty Corporation (PBGC), (202) 326–4080 (x 3530) for questions relating to Schedule B and line 9 of Schedule R as well as questions relating to the reporting requirements under Title IV of ERISA. For further information on an item not mentioned above, contact Mr. Holmes. The telephone numbers referenced above are not toll-free numbers.

SUPPLEMENTARY INFORMATION:

I. Background

Under part 1 of Title I of ERISA, Title IV of ERISA, and the Code, administrators of pension and welfare benefit plans subject to those provisions are required to file returns/reports annually concerning, among other things, the financial condition and operations of employee benefit plans. Employers sponsoring certain fringe benefit plans and other plans of deferred compensation that are not subject to Title I of ERISA are also required under the Code to file certain information annually with the IRS. These annual reporting requirements are satisfied generally by filing the Form 5500 Series in accordance with its instructions and the related regulations.[1]

The Form 5500 Series is the principal source of information and data concerning the operation, funding, assets and investments of more than 800,000 pension and welfare benefit plans with assets estimated at $4.3 trillion. Accordingly, the Form 5500 Series information and data necessarily constitute an integral part of each agency's enforcement, research and policy development programs and are a source of information and data for use by other federal agencies, Congress and the private sector in assessing employee benefit, tax, and economic trends and policies. The returns/reports also serve as the primary means by which the operations of plans can be monitored by participants, beneficiaries and the general public.

On September 3, 1997, the Department of Labor (Department), IRS and the PBGC (collectively the Agencies) published in the **Federal Register** (62 FR 46556) a notice of proposed revisions to the Form 5500 Series. The Agencies' proposal replaced the Form 5500, Form 5500-C and Form 5500-R with one Form 5500 intended to streamline the report and the methods by which it is filed. Concurrent with the development of the new Form 5500, the Agencies also developed a new computerized system to process Form 5500 returns/reports (the ERISA Filing Acceptance System or ''EFAST''). The new computerized processing system is designed to simplify and expedite the receipt and processing of the new Form 5500 by relying on computer scannable forms and electronic filing technologies. The development of the new forms in conjunction with the EFAST system is intended to streamline and improve the Form 5500 Series and lower the administrative burdens and costs incurred by employee benefit plans that file the Form 5500 Series each year.

A public hearing on the proposed forms revisions was held on November 17, 1997, and written comments on the proposal were received until the public record was closed on December 3, 1997. The Agencies received oral testimony and over 60 written public comments from employer groups, employee representatives, financial institutions, service organizations and others on the form streamlining proposal. On February 4, 1998, the Department announced that, in response to public comments, the implementation of the new Form 5500 would be delayed until the 1999 plan year.

Public reaction to the September 3, 1997 Notice of Proposed Forms Revisions was generally supportive of the new streamlined structure of the Form 5500 Series. The Agencies decided to adopt the new forms largely as proposed, but, in response to public comments, made various adjustments to the proposed forms and instructions where consistent with the purposes of the Form 5500 and the objectives of the streamlining project. A revised version of the new Form 5500 was submitted to the Office of Management and Budget (OMB) for approval under the Paperwork Reduction Act (PRA) and a Notice was published in the **Federal Register** on June 24, 1998 (63 FR 34493) which provided a 30-day opportunity to submit comments to OMB on the new Form 5500 submission. At the same time, the revised Form 5500 was made available on PWBA's internet site (http://www.dol.gov/dol/pwba) as part of the Agencies' commitment to make information about the new forms available to plans and their service providers at the earliest opportunity. Following its PRA review, OMB gave

[1] For purposes of Title I of ERISA, the filing of the Form 5500 Series, in accordance with its instructions and related regulations, by the administrator of a pension or welfare benefit plan constitutes compliance with the limited exemption and alternative method of compliance prescribed in 29 CFR part 2520, promulgated in accordance with the authority granted by the Secretary of Labor under sections 104(a) and 110 of ERISA.

conditional PRA approval to the new Form 5500 on August 26, 1998.[2]

The new Form 5500 Series replaces the Form 5500 and the Form 5500-C/R with a single new Form 5500 with basic identifying information for use by all filers and 13 schedules focused on particular subjects and/or filing requirements—five pension schedules, seven financial schedules, and one fringe benefit schedule. The pension schedules are: Schedule B (Actuarial Information); Schedule E (ESOP Annual Information); Schedule R (Retirement Plan Information); Schedule T (Qualified Pension Plan Coverage Information); and Schedule SSA (Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits). The financial schedules are: Schedule A (Insurance Information); Schedule C (Service Provider Information); Schedule D (DFE/Participating Plan Information); Schedule G (Financial Transaction Schedules); Schedule H (Financial Information); Schedule I (Financial Information-Small Plan); and Schedule P (Annual Return of Fiduciary of Employee Benefit Trust). The fringe benefit schedule is Schedule F (Fringe Benefit Plan Annual Information Return). The new schedules are Schedules D, H, I, R and T; the schedules that have been revised are Schedules A, C and G; and the schedules that have either not been revised or have undergone minimal changes are Schedules B, E, F, P and SSA.

The revisions being adopted to the Form 5500 annual return/report provide plans using simple tax qualification structures and financial operations with correspondingly streamlined annual reporting requirements and also target reporting requirements so that welfare plans generally complete fewer items than pension plans and small plans generally complete fewer items than large plans. The Agencies have developed a reference guide, which is included in the instructions for the new Form 5500, that is designed to provide general information and guidance on completing the revised Form 5500 and schedules entitled: ''Quick Reference Chart Form 5500 Schedules and Attachments.''

As part of the development of the revised Form 5500 Series, the Department also published in the **Federal Register** (63 FR 68370), on December 10, 1998, proposed amendments to the annual reporting regulations (Part 2520 of Chapter XXV of Title 29 of the Code of Federal Regulations) to implement under Title I of ERISA certain of the proposed changes to the Form 5500 Series. A number of other technical amendments to the regulations were proposed in order to update certain of the reporting and disclosure regulations. In the December 10, 1998 Notice, the Department stated that the public comments submitted in response to the September 3, 1997 Notice of Proposed Forms Revisions would be treated as part of the public record for the Notice of Proposed Rulemaking, and, to the extent those comments included information relevant to the proposed regulatory amendments, the Department would treat those comments as comments on the Notice of Proposed Rulemaking to avoid the need to submit duplicate public comments. The Department received four comments in response to the December 10, 1998 Notice. A notice of final rulemaking regarding those regulatory amendments will be published separately by the Department in the **Federal Register**.

The Agencies also published a **Federal Register** notice, on June 28, 1999 (64 FR 34686) soliciting public comments on the draft computer scannable versions of the new forms developed by two vendors who were competing for the contract to design and build the EFAST system. Specifically, contracts were awarded to two national computer firms to competitively develop a computerized form processing system and related computer scannable versions of the new Form 5500 Series. The Agencies subsequently selected one as the vendor to operate EFAST and process the new Form 5500 returns/reports.

As noted above, EFAST has been designed to simplify and expedite the receipt and processing of the Form 5500 Series by relying on computer scannable forms and electronic filing technologies. In that regard, the 1999 Form 5500 is available in two different computer scannable formats; both have the same data elements but provide filers with a choice of formats for preparing the Form 5500. The first format is a ''machine print'' format under which the filer uses a computer and software to enter data and complete the form. Upon completion of the data entries under this format, the completed forms and any required attachments may be filed through electronic means (provided the EFAST electronic specifications are met and a copy with all required signatures is retained as part of the plan's records), or the filer may print a paper copy, and after the required signatures have been affixed, mail the return/report to the address specified in the Form 5500 instructions under the heading labeled ''Where To File.'' The completed machine print Form 5500 return/report can be read by participants and beneficiaries, and the EFAST system will collect the data by scanning bar codes printed out at the bottom of each page. The second format is a ''hand print'' format under which the filer enters data by hand or typewriter on specially designed green drop-out ink forms and the EFAST system uses optical character recognition technology to scan the hand or typewritten data entries. The ''hand print'' format can be filed only by mail to the address specified in the Form 5500 instructions under the heading labeled ''Where To File.''

The Agencies are printing in this notice informational copies of the hand print 1999 Form 5500 and schedules, and the instruction package for the 1999 Form 5500 return/report. However, because of the new technologies being used by the Agencies for processing the revised Form 5500, **Federal Register** copies of the Form 5500 and schedules will not be acceptable for filing. Informational copies of the hand print forms, machine print forms and the instruction package will also be posted on the Department's web page at www.dol.gov/dol/pwba. The 1999 Form 5500 package (hand print green drop-out ink forms and instructions) will be distributed to employee benefit plan filers in the same manner as in prior years. Refer to the EFAST web page at www.efast.dol.gov beginning in late March 2000 for information on obtaining the machine print forms and related software.

II. Summary of Comments on Proposed Forms

In addition to a number of general comments relating to the statutory and regulatory annual reporting scheme, the Agencies received a number of comments relating to specific elements of the proposed revisions to the Form 5500. Upon consideration of all the

[2] The OMB conditions were described in the **Federal Register** on December 10, 1998 (63 FR 68370) in the preamble to the proposed amendments to the Department's reporting regulations. The conditions were: (i) consolidating the separate reporting of long-term and short-term corporate debt instruments into one line item for all corporate debt instruments on the Schedule H (Income and Expense Statement), (ii) adding a clarifying instructional statement to the text on line 5 of Schedule R, (iii) bolding instructional text on line 3 of Schedule T, (iv) adding a statement to the Schedule C instructions that trades and businesses (whether or not incorporated) are ''persons'' required to be reported as service providers, and (v) clarifying the instructions for line 3b(2) of Schedule H regarding the inapplicability of the ''short plan year'' provisions of 29 CFR 2520.104–50 to Direct Filing Entity (DFE) Form 5500s filed for group insurance arrangements and investment entities described in 29 CFR 2520.103–12 (103–12 IEs).

written comments and the record of the public hearing, as well as the Agencies' respective administrative, enforcement and informational requirements, the Agencies were unable to adopt all of the public suggestions and recommendations regarding revisions to the annual return/report. However, in an effort to facilitate both compliance with the annual reporting requirements and the processing of annual returns/reports, the Agencies have in response to public comments made certain changes to the forms and clarifications to the instructions accompanying the forms. The following is a summary of the major comments received by the Agencies which have been organized on a subject matter basis.

A. Annual Reporting Scheme

Some commentators recommended that Form 5500 return/report filers should not be required to report each year various information that was reported on the prior year's Form 5500 if the information remains unchanged. Other commentators recommended that certain information should not be required to be reported, but, instead, should be required to be maintained as part of the plan's records and provided to the Agencies only in response to a specific request for the information. The Agencies believe that adopting these recommendations would make it more difficult for the Agencies to carry out their enforcement, research and other responsibilities and would diminish the value of the Form 5500 as a disclosure document for plan participants and beneficiaries. The Agencies, therefore, have not adopted these recommendations. A few commentators recommended changes to the Form 5500 that would eliminate or modify reporting requirements or other features of the Form 5500 that, in the Agencies' view, are mandated by statute or regulations. The Agencies, accordingly did not adopt these changes.

B. Form 5500

1. *Restructuring of the Form 5500 and Elimination of the Form 5500–C/R.* In general, the comments were positive as to the restructuring of the Form 5500 Series, including the elimination of Form 5500-C/R. The Agencies, accordingly, have decided to adopt the new structure of the forms largely as proposed. However, several of the new schedules added as part of the proposal have been re-labeled to be consistent with the general practice in the current Form 5500 of using a single alphabetic identifier for schedules, i.e., Schedule FIN (Financial Information) is now Schedule H (Financial Information), Schedule FIN-SP (Financial Information-Small Plan) is now Schedule I (Financial Information-Small Plan), and Schedule PEN (Pension Plan Information) is now Schedule R (Retirement Plan Information). Further, the Schedule Q (Qualified Pension Plan Coverage Information) was re-labeled as Schedule T (Qualified Pension Plan Coverage Information) to avoid confusion with the Schedule Q introduced by the IRS for the Form 5300 Series.

2. *Financial Reporting for Large and Small Plans.* Several commentators requested that the Agencies require small plans (plans that previously were eligible to file the Form 5500–C/R) to report the same financial information that is required of large plans (plans that previously filed the Form 5500), or, in the alternative, require that small plans continue to report the financial information that is now contained in the current Form 5500-C. Other commentators suggested that the 100 participant threshold for determining whether a plan is ''large'' or ''small'' should be increased, for example, to 150 or 200 participants. With respect to the first comment, the Agencies concluded that significantly expanding the financial reporting for small plans would be inconsistent with a principal objective of this project which was to simplify and streamline the information collected on the Form 5500. Further, the Agencies believe that the financial reporting by small plans in the new Form 5500 contains much of the financial information on the Form 5500-C (lines 27 and 28) while providing improved disclosures over the current Form 5500-C. With respect to the second comment, the extension of the reporting threshold to a 200 participant threshold would expand the number of small plan filers by approximately 45,000 plans. In light of the fact that such a change may require legislation, and because the Agencies would need to more fully explore and consider the consequences of such an extension, the Agencies did not alter the current rules regarding the 100 participant threshold.

3. *Preparer Identification.* Several commentators indicated that it was not clear how filers would comply with the proposed requirement to identify the ''preparer'' of the Form 5500 because many persons may be involved in the collection and preparation of information reported on the Form 5500 return/report. The commentators asked for specific instructions regarding this requirement if it were to be maintained in the final form. In the alternative, a commentator asked that the ''preparer'' requirement be replaced with authorization for a party to be designated as an official contact to discuss filing errors. The Agencies agree that it may be difficult to identify a single preparer of the Form 5500 for many plans, and accordingly, have changed the item so that it is optional and allows a filer to designate the person or entity that the filer believes was principally responsible for the preparation of the annual return/report.

4. *Multiple Signature Requirements.* Several commentators questioned the need for multiple signatures on the Form 5500 return/report. In response, the Agencies have clarified the instructions for the Title I and II signature requirements for administrators and employers on the return/report and the IRS eliminated the employer signature requirement from the Schedule T. The other signatures required on the return/report (independent qualified public accountant's signature, enrolled actuary signature on Schedule B, trustee signature on Schedule P, and administrator signature on Schedule SSA) serve independent purposes such that it is not currently feasible to eliminate these signatures or consolidate them onto a single place on the form.

5. *Elimination of Certain Compliance and Disclosure Questions.* Several commentators suggested that the proposed elimination of certain compliance and disclosure questions may adversely affect plan participants. Specific areas identified included the following.

First, commentators questioned the proposed elimination of the reporting of the number of active participants who are fully vested, partially vested and nonvested. The Agencies did not reinstate these questions because the subgrouping of active participants by fully vested, partially vested and nonvested was not widely used by the Agencies, was a source of confusion for many filers, was duplicative of certain information reported on Schedule B, and was not required under the current or revised Form 5500 for the small plan filers which comprise the majority of all return/report filers. Further, to the extent individual participants want vesting information regarding their own benefits, they generally can obtain an individual benefit statement from their plan administrator.

Second, commentators questioned the proposed elimination of ''yes/no'' questions on plan amendments and distribution of summaries of material modifications (SMMs). Under Title I of ERISA, plan administrators must automatically furnish a notice to

participants and beneficiaries of material modifications to the plan or changes in the information required to be included in the summary plan description (SPD) that were adopted during the reporting year. These notices typically must be furnished to participants and beneficiaries before the plan's Form 5500 return/report would be filed and available to participants and beneficiaries. Accordingly, participants and beneficiaries should have received a notice regarding the plan amendment before they ordinarily would have access to the answers to these ''yes/no'' questions on the form. Also, the Department has developed an ERISA Compliance Quick Checklist (to be included in the Form 5500 instruction package but not required to be filed with the government) that makes specific reference to these SPD/SMM requirements. The Department, accordingly, has not reinstated these questions.

Third, commentators asked that the Agencies reinstate the question for small plan filers on whether 20% or more of plan assets are held in a single investment and the question for all filers on compliance with fidelity bonding requirements. The Agencies decided to reinstate questions on these subjects because they serve important enforcement and disclosure functions and provide important protections to participants and beneficiaries.

6. *Delay of Effective Date.* In response to comments, the Agencies postponed the implementation year for the new forms from the 1998 plan year until the 1999 plan year. Thus, the earliest filing due date for returns/reports using the new forms for plans with calendar year plan years is July 31, 2000. (See below for a discussion of the transitional rules and special filing due date rules for common or collective trusts (CCTs) and pooled separate accounts (PSAs) electing to file as direct filing entities (DFEs)).

7. *Uniform Method to Count Plan Participants.* Several commentators noted that numerical counts of plan participants were required on several different schedules using several different counting formulas. One commentator suggested that proposed Form 5500 (Line 4), Schedule B (Line 2b), Schedule PEN (Lines 1a, 1b, and 1c), and PBGC Form 1 (Line 13) be revised to permit a plan administrator to provide the same participant count for each item. Another commentator suggested that all the requested information be in one place on the form. In response, the Agencies note that the different participant counts are used for different purposes and thus are difficult to make consistent. In an effort to clarify and simplify these questions, however, the Agencies decided to consolidate most of the participant count questions onto the Form 5500 instead of the various schedules (with the exception of certain questions on the Schedule B which are certified to by the enrolled actuary and certain questions on Schedule T which are unique to the application of the qualified plan minimum coverage requirements), and to return, in general, to the format for participant count questions used currently on the Form 5500. The Agencies have also attempted to clarify the accompanying instructions.

C. Schedule A (Insurance Information) and Other Reporting on Insurance Products

1. *Policy Year vs. Plan Year Reporting.* Several commentators asked the Department not to adopt the proposed change to require Schedule A reporting of insurance contracts on a plan year basis. The present rule allows reporting on a contract or policy year basis as an alternative to a plan year basis. The commentators indicated that plan year reporting would require a substantial revision of existing recordkeeping systems while not providing better information on the insurance contracts being reported. Two commentators, however, stated that the proposed change could help in coordinating financial information on plan investments provided by banks and insurance companies. The Department proposed the change to enable better coordination of information on the Schedule A regarding individual contracts with aggregate investment and benefit payment information on the Form 5500 financial statements (which is reported on a plan year basis). In view of the complexities and costs attendant to the proposed change, the Department has decided to retain the option of contract or policy year reporting on the Schedule A.

2. *Insurance Company Noncompliance with Obligation to Provide Necessary Information to Plan Administrators.* Several commentators described difficulty obtaining information (particularly fee and commission-related) from insurance companies. They expressed concern about requiring any new information on the Schedule A (such as the new requirement to report insurance company employer identification numbers (EINs) and National Association of Insurance Commissioners (NAIC) codes) because they expected that the new requirements would exacerbate the current problem. It is the view of the Department that compliance with annual reporting requirements requires the filing of complete, accurate and timely annual returns/reports, which includes the information required to be reported on the Schedule A. Accordingly, plan administrators are obliged to take reasonable and prudent steps to secure the necessary Schedule A information. In this regard, it should be noted that, with respect to the obligation of insurance carriers to furnish Schedule A information, ERISA section 103(a)(2) specifically provides in pertinent part that, if some or all of the information necessary to enable the administrator to comply with the requirements of Title I of ERISA is maintained by an insurance carrier or other organization which provides some or all of the benefits under a plan or holds assets of the plan in a separate account, such carrier or other organization is required to transmit and certify the accuracy of such information to the administrator within 120 days after the end of the plan year. The current instructions for the Schedule A state that if necessary information is missing because of an insurer's refusal to provide the information, the administrator should complete the Schedule A, to the extent possible, and file a timely return/report noting the refusal and any deficiencies in the Schedule A. The Department cautions administrators that annual return/report filings should not be delayed pending receipt of requested Schedule A information beyond the date on which the annual report is due (including any timely obtained extensions for filing), and that an amended return/report should be filed upon receipt of the deficient Schedule A information.

3. *Fair Market Value vs. Contract Value Reporting for Insurance Contracts.* Certain changes to the Schedule A and accompanying instructions were proposed by the Department in light of Financial Accounting Standards Board (FASB) Statement of Financial Accounting Standards No. 110 (FAS 110) and No. 126 (FAS 126) and American Institute of Certified Public Accountants Statement of Position 94–4 (SOP 94–4), which generally require that financial statements presented in accordance with Generally Accepted Accounting Principles (GAAP) must disclose the fair value of investment contracts with insurance companies (except for certain investment contracts held by defined benefit pension plans and ''fully benefit responsive'' contracts held by defined contribution plans with assets of $100 million or less). Commentators

representing insurance companies indicated that determining whether a contract may be reported at ''book value'' or contract value under these accounting rules is a complex determination, and one that insurance companies generally will leave to the discretion of a plan's administrator and, if applicable, auditor. Therefore, the commentators asked the Agencies to permit contract value reporting for all applicable insurance and annuity contracts, or alternatively, confirm that an insurance company will satisfy its obligation under ERISA section 103(a)(2) by furnishing plan administrators with only contract value information. The Department did not adopt these recommendations. Section 103 of ERISA and the Department's regulations generally require reporting of plan assets valued at their ''current value.'' As noted above, insurance companies are required under ERISA section 103(a)(2) to provide the information needed by the plan administrator to complete the plan's annual report, including both contract value and fair value information if needed. The Department continues to believe that conforming the Schedule A to the financial statement disclosure provisions in FAS 110, FAS 126 and SOP 94–4 will foster greater uniformity in the reporting of plan asset values without imposing significant costs on either plans or service providers.

The proposal also called for Schedule A reporting of the current value of ''plan assets'' in the insurance company general account. Some commentators expressed concern about this requirement and asked for its elimination or clarification. This proposed Schedule A change was intended to provide a line on which plans could comply with the above described requirement to report certain general account contracts at fair value. One commentator suggested that the question be rephrased to ask for the current value of the ''plan's funds'' in the general account. Accordingly, the new question has been re-worded; however, for consistency with the existing Schedule A question on current value of the ''plan's interest'' in insurance company separate accounts, the question asks for the current value of the ''plan's interest'' in the insurance company general account.

4. *Schedule A Reporting of Investment Contracts with Insurance Companies.* Several commentators noted that the current Schedule A instructions read ''This schedule must be attached to Form 5500 * * * where any benefits under the plan are provided by an insurance company, insurance service, or other similar organization.'' The proposed instructions included the phrase ''(or investments are managed) by an insurance company * * *.'' Commentators expressed confusion about whether the instruction was intended to clarify existing reporting obligations or impose new ones. The proposed instruction was not intended to impose any new Schedule A reporting requirements, but rather was intended to state the current requirement to report on the Schedule A contracts with insurance companies (including investment and annuity contracts) that are part of the plan's ''funding arrangement'' as well as those that are part of the plan's ''benefit arrangement.'' Accordingly, the instruction has been revised to mirror the current Form 5500 instructions for line 14 of the Form 5500 and Line 14 of the Form 5500–C which explain Schedule A reporting is required for contracts with insurance companies that are part of the plan's ''funding arrangement'' as well as those that are part of the plan's ''benefit arrangement.''

5. *Reporting of Allocated Insurance Contracts.* The Department received several comments on the reporting of allocated insurance contracts referred to in 29 CFR 2520.104–44(b)(2). Section 2520.104–44(b)(2) provides pension plans ''the benefits of which are provided exclusively through allocated insurance contracts or policies'' with a limited exemption from and alternative method of compliance with the annual audit requirement and the requirement to report certain financial information on the annual report. Although the Notice of proposed forms revisions and the proposed amendments to the Department's annual reporting regulations did not propose to modify the reporting for allocated insurance contracts, the commentators urged that the term ''allocated insurance contract'' should be broadened to include: (i) Insurance products that ''guarantee benefits'' even if they do not provide upon receipt of the required premium a retirement benefit of a specified amount; (ii) insurance products that guarantee a fixed rate of return even if they do not provide upon receipt of the required premium a retirement benefit of a specified amount, and (iii) group annuity contracts held by defined contribution plans where each participant's interest in the contract is credited or ''allocated'' to the participant's individual account in the plan, but the value of each participant's interest in the insurance contract is adjusted for market value fluctuations.

The term ''allocated'' insurance contract has been consistently defined in the instructions to the Form 5500 Series. Under that definition, contracts are not ''allocated'' unless the insurance company or organization that issued the contract has unconditionally guaranteed, upon receipt of the required premium or consideration, to provide a retirement benefit of a specified amount to each covered participant without adjustment for fluctuations in the market value of the underlying assets of the company or organization, and each participant has a legal right to such benefits which is legally enforceable directly against the insurance company or organization. See the March 1, 1989 Notice of Adoption of Revised Forms (1989 Notice), 54 FR 8631, 8635.[3] The 1989 Notice included the following statements regarding the Department's longstanding view on this definition: '' 'allocated' contracts include only those contracts under which an insurance company immediately assumes upon receipt of contributions or premiums fixed dollar obligations to provide the retirement benefit specified in the plan * * *'' and that the reporting exemption for allocated insurance contracts ''is premised on the fact that under such contracts the plan has effectively transferred the risk for the payment of benefits accrued to that date * * * to the insurer and, accordingly, limited reporting is appropriate.'' The types of contracts identified by the commentators either did not possess these characteristics and/or failed to satisfy other components of the definition, or the commentators did not provide sufficient information about the characteristics of the contract to support a conclusion that the policies underlying 29 CFR 2520.104–44 apply such that the audit and financial reporting relief for allocated contracts should be broadened to include these other types of contracts. Accordingly, the Department has not adopted these comments and has retained unmodified the Form 5500 return/report instructions pertaining to ''allocated'' insurance contracts.

A commentator also asked for the Department to clarify whether the reporting relief for allocated contracts applies only to defined benefit pension

[3] Before the issuance of the 1988 Form 5500, the Form and the accompanying instructions were published in a notice in the **Federal Register**, 51 FR 33500 (September 19, 1986), with the public having the opportunity to furnish written comments and oral testimony to the Department. The definition of the term ''allocated'' insurance contract was incorporated into the 1988 Form 5500 instructions and has been included in the Form 5500 instructions for all subsequent plan years. Also see 43 FR at 10138 (March 10, 1978) for the discussion of allocated insurance contracts in the preamble to the final § 2520.104–44 regulations.

plans. Although the regulatory relief in 29 CFR 2520.104–44(b)(2) is limited to pension benefit plans the benefits of which are provided exclusively through allocated insurance contracts, neither the regulation nor the Form 5500 return/report instructions distinguish between defined contribution and defined benefit pension plans.

One commentator asked the Department to clarify the term ''contracts with allocated funds'' that is referred to on line 5 of Schedule A (Insurance Information). It is the Department's view that allocated funds referred to on line 5 represent the portion of an insurance contract that would otherwise meet all of the standards for an allocated insurance contract described above.

6. *Reporting of Synthetic GICs and Similar Contracts at Book Value.* Several commentators asked that the form or the instructions authorize ''synthetic GICs,'' ''separate account GICs,'' and insurance company ''stable value funds'' to be reported at contract or ''book'' value on the Schedule A, Schedule H and Schedule I because, according to the commentators, these contracts are designed to provide returns and investment features similar to insurance company general account investment contracts. Insufficient information was presented on the nature of these contracts, the implications of contract value reporting and the feasibility of reporting these various contracts on a single line item to enable the Agencies to adopt this recommendation. Thus, these contracts must continue to be reported in conformance with existing annual reporting requirements.

7. *Insurance Fee and Commission Reporting.* Several commentators noted that insurance fees and commissions must be individually reported on Schedule A, whereas fees and commissions on bank investment products, mutual funds, or other products are not individually reported on a separate schedule. These commentators suggested either eliminating the Schedule A requirement to report insurance fees and commissions or requiring broader fee/commission reporting from banks and other financial institutions. The Department did not adopt this recommendation because section 103(e) of ERISA specifically calls for the annual report to include information on fees and commissions paid by insurance companies, and the Department continues to believe that these Schedule A disclosures provide useful information. Also, the Department has been generally reviewing fee disclosure issues outside the context of this Form 5500 project.

Several commentators also questioned the proposed requirement to report fees and commissions paid to ''other persons'' noting that the current Schedule A requests this information only for ''agents and brokers.'' Section 103(e) of ERISA includes ''other persons'' with agents and brokers in defining the requirement to report insurance contract fees and commissions. Further, the current Schedule A instructions provide that fees paid by insurance carriers to persons other than agents and brokers should be reported on the Schedule A as acquisition costs, administrative expenses, etc., as appropriate, and note that for large plan filers these fees paid to ''other persons'' are subject to separate reporting on the Schedule C. In light of the above, the requirement to report fees and commissions paid to ''other persons'' has been retained in the Schedule A because the Department believes it serves important enforcement targeting and disclosure purposes to require individual identification of all persons who are paid insurance fees and commissions.

D. Schedule C (Service Provider Information)

1. *Improve Reporting on Plan Fees and Expenses.* Several commentators suggested that the Agencies require both large and small plans to report all fees and expenses whether paid for by the plan or employer, including break-out reporting of both bundled fees and fees on investment products that are included in determining the net investment gain (or loss). Other commentators suggested increasing the Schedule C threshold so that only persons receiving compensation in excess of substantially increased thresholds (e.g., $10,000, $25,000, or $100,000) be reported and/or that only the top 20 highest paid service providers be included. The Agencies concluded that requiring Schedule C reporting by small plan filers would not be consistent with a principal objective of the project which is to streamline the Form 5500. Similarly, the Agencies concluded that raising the reporting thresholds may result in the disclosure of inadequate service provider information. Accordingly, the Agencies decided not to adopt these suggested changes. However, as noted above, the Department is reviewing general fee disclosure issues outside the context of this Form 5500 project.

2. *Reports on Trustee Identification and Service Provider Terminations.* The proposal eliminated from the Schedule C the requirement that large plans list plan trustees annually and restricted the requirement to report service provider terminations to terminations of accountants and enrolled actuaries. Several commentators expressed concern that restricting the reporting of terminated parties on the Schedule C to accountants and actuaries would limit the Agencies' ability to evaluate possible fiduciary problems, and suggested that the Agencies either retain current requirements or broaden the report to include all terminated service providers. Others suggested that the Agencies reinstate the requirement to identify terminated trustees and add terminations of independent third party appraisers. Other comments supported the change, contending that the reports on service provider terminations and the trustee list are not useful. It is the view of the Agencies that the currently required annual information on Schedule C regarding trustees and termination of various service providers is not widely used and to a large extent is duplicative of information otherwise available to participants either as part of the plan's SPD and SMMs or by comparing consecutive annual reports. In addition, the majority of annual report filers are small plan filers which are already exempt from these requirements because the Schedule C only applies to large plan filers.

3. *Clarify ''Service Code'' Entry.* Under current rules, Schedule C reporting is generally required when any person receives, directly or indirectly, $5,000 or more in compensation for services rendered to a plan. A commentator asked that the instructions clarify how the $5,000 threshold is applied when multiple services are provided. The current instructions already make it clear that the $5,000 threshold is calculated taking into account compensation for all services provided (regardless of whether the compensation for any single service among the multiple services is less than $5,000). For example, the current instructions state: ''If more than one service was provided, enter only the code of the primary service.'' Nonetheless, to further clarify the instructions and to provide for more accurate disclosure of service fees, the Agencies have changed the service code rule to require the reporting of a service code for each service included in the total compensation figure.

4. *Allow Cash or Accrual Basis Reporting on Schedule C.* One commentator asked for clarification of whether the Schedule C permits use of either the cash or accrual basis method of accounting for reporting

compensation paid to service providers. The Department has clarified the instructions to the Schedule C to provide for the use of either the cash or accrual basis method for recognition of transactions on the Schedule C as long as one method is consistently used.

E. Schedule D (DFE /Participating Plan Information)

1. *Clarify DFE Requirements.* The proposal called for a comprehensive restructuring of the way Direct Filing Entity (DFE) information is reported by PSAs, CCTs, master trusts investment accounts (MTIAs), 103–12 investment entities (103–12 IEs), and group insurance arrangements (GIAs). Specifically, under the proposal, the Form 5500 would be established as the standardized reporting format for DFEs. Several commentators described the new DFE provisions as an improvement because the standardized reporting format for DFEs clarifies the reporting process for DFEs and provides more understandable information to participants and beneficiaries regarding their plans' participation in these pooled investment and insurance arrangements. A commentator also suggested that all PSAs, CCTs, MTIAs, other investment entities that hold plan assets, and GIAs be required to file directly, and suggested the proposal be expanded to broaden disclosure to participants about the DFE investments. Some commentators expressed concern about possible competitive disadvantages for PSAs that do not choose to file as DFEs, requested that the Department reconsider the standardized filing requirement for DFEs, and also stated that the DFE changes would increase the reporting requirements for PSAs and CCTs.

The Department believes that the changes to the reporting requirements for plans participating in CCTs, PSAs, MTIAs, 103–12 IEs, and GIAs is the best alternative for capturing the information needed to carry out its oversight responsibilities over the plan assets held by these entities and ensuring that there is adequate disclosure of plan investment and insurance information to plan participants and beneficiaries. Continuation of the current annual reporting rules would perpetuate the Department's current inability to correlate and effectively use the data regarding the approximately $2 trillion in plan assets invested by plans in DFEs, and, therefore, would be adverse to the interests of participants and beneficiaries since the DFE information is an integral part of the annual report of each participating plan. Moreover, with the exception of abbreviated income and expense statements for CCTs and PSAs being required as part of their Schedule H filing, in the Department's view, substantially all of the information that would be required to be reported by DFEs under the new Form 5500 currently must be reported. Further, direct reporting by CCTs, PSAs, 103–12 IEs and GIAs continues to be optional. Thus, the Department believes that the major change in reporting with respect to DFEs is that information must be reported in a standardized format using the Form 5500 and associated schedules.

Some commentators expressed concern about the proposed requirement that plans classify and report the underlying assets of CCTs and PSAs that do not elect to report as DFEs. The commentators stated that implementation of this rule will be costly because, under the proposal, such plans will have to classify each investment held by the entity and report their percentage interest as of the beginning and end of the plan year. The commentators suggested that CCTs and PSAs currently are only required to provide participating plans and the Department with a statement of assets and liabilities as of their fiscal year end, and argued that the proposed change would require these entities to prepare statements of assets and liabilities on a monthly or more frequent basis. Under existing annual reporting rules, however, plans must include the current value of their investment in CCTs and PSAs in their annual reports as of the beginning and end of the plan year. Further, these asset break-out rules do not apply to small plan filers and the Department does not envision that the required asset break-out reporting rules will impose a substantial additional burden on large plan filers inasmuch as there is only a limited number of general asset categories on the Schedule H (Financial Information) that could be used, e.g., interest bearing cash; U.S. government securities; corporate debt instruments; corporate stock; partnership/joint venture interests; real estate; loans; other assets; and employer securities. Further, the Department does not believe that the new DFE rules should result in material cost increases or administrative burdens for plans because of the information required to be transmitted by CCTs and PSAs to their participating plans.

2. *Notice of DFE Filing to Plans.* Several commentators noted that there was no explicit provision in the proposed Form 5500 instructions that required CCTs and PSAs to annually notify their participating plans whether the CCT or PSA will file a Form 5500 as a DFE with the Department. The Department clarified the notice requirements in the proposed regulatory amendments to 29 CFR 2520.103–5 in a separate Notice of Proposed Rulemaking that was published in the **Federal Register** on December 10, 1998 (63 FR 68370). A notice of final rulemaking on those regulatory amendments will be published separately in the **Federal Register**.

3. *Reconfigure Schedule D.* Several commentators noted that the multi-purpose Schedule D as proposed was confusing, and one suggested that it be divided into two parts, Part I to be filed by plans and Part II to be filed by DFEs. The Department has restructured the Schedule D into two parts. Part I must be completed by plans and DFEs to report information on their investments in MTIAs, CCTs, PSAs and 103–12 IEs. Part II must be completed by DFEs to report information regarding participating plans. Another commentator indicated that it is unlikely that the space on the Schedule D would be sufficient to list, in many cases, every plan that at some time during a year participated in a DFE (particularly CCTs and PSAs). The Schedule D was restructured to address that issue by using a continuation page approach.

One commentator noted that among other information that must be reported on the Schedule D by a PSA electing to file as a DFE is each participating plan's EIN and plan number (PN). The commentator stated that most insurers do not possess this information, and, therefore, suggested that the Department permit insurers to use their contract identification number in lieu of the EIN and PN on the Schedule D. The Department did not adopt this recommendation. Plan administrators already must furnish EIN and PN information to banks and insurance carriers filing statements of assets and liabilities for CCTs and PSAs under current direct filing rules. This requirement was originally included in 29 CFR 2520.103–9(b)(2), adopted as a final rule on March 10, 1978 (43 FR 14009). Also, EIN and PN information facilitates effective correlation of information filed by plans and DFEs. Another commentator asked that the Schedule D listing of plan sponsor names and assets should not be open to public inspection. The content of the annual report under Title I of ERISA generally is required to be public information. See, e.g., ERISA section 106. Accordingly, the Department did not adopt this recommendation.

4. *Filing Due Dates and Transitional Rules Regarding DFEs.* Some CCTs and

PSAs indicated an intent to file as DFEs but stated that substantial lead time would be needed to prepare for the new reporting requirements, and suggested making the filing optional for several years or otherwise delaying the implementation of the DFE rules. Some said no changes should be implemented until effective electronic filing options are available to DFEs.

As previously mentioned, implementation of the new Form 5500 has been delayed until 1999 plan year filings. To facilitate the transition to the new reporting rules for DFEs, the Department is also clarifying the due date for DFE Form 5500 filings and adopting a transitional reporting rule for plans and DFEs participating in CCTs and PSAs. First, as to the DFE Form 5500 due date, inasmuch as DFE filings continue to be considered an integral part of the annual report of each participating plan, each participating plan's Form 5500 return/report will be treated as incomplete unless the DFE information is filed within the prescribed time. The regulatory amendments clarify that, as with the current rule for statements of assets and liabilities, the DFE Form 5500 filing should pertain to the DFE fiscal year ending with or within the plan year. The regulatory amendments also establish the filing due date for all DFEs, other than GIAs, as no later than 9–1/2 months after the end of the DFE's fiscal year.[4] This structure is intended to provide a predictable filing deadline for DFEs while also ensuring that all DFE filings will be due on or before the latest annual report due date for any participating plan regardless of the plan's reporting year.

A transitional rule applies to plans and DFEs participating in CCTs or PSAs which do not elect to file as a DFE for their fiscal year ending in 1999. The transitional rule waives for the 1999 reporting year the requirement that large plan filers and DFEs break out, as dollar value entries in the appropriate categories on the asset and liability statement contained in Schedule H (Financial Information), their percentage interest in the underlying assets of CCTs and PSAs that do not file as DFEs. Rather, for the 1999 reporting year only, large plans and DFEs may report their interest on the aggregate CCT or PSA lines of the Schedule H asset and liability statement (i.e., lines 1c(9) and 1c(10) of Schedule H) as of the beginning and end of the plan year even if the CCT or PSA does not file a Form 5500 as a DFE. Plans participating in a CCT or PSA also are not required to attach the CCT's or PSA's statement of assets and liabilities to its 1999 filing.

F. Schedule H (Financial Information), Schedule I (Financial Information—Small Plan) and Schedule G (Financial Transaction Schedules)

1. *Employer Delinquent Transmission of Participant Contributions.* One commentator requested a change to the question on participant contributions to require reporting only when contributions are not transmitted by the employer within 15 business days after the end of the month in which the contributions are withheld or received by the employer in the case of pension plans, and 90 days after such receipt or withholding in the case of welfare plans. In comparison, the proposed question on Schedule H and Schedule I (referred to as Schedule FIN and FIN-SP in the September 3, 1997 proposal) asks whether participant contributions were transmitted by the earliest date on which such contributions could reasonable be segregated from the employer's general assets (which date cannot exceed 15 business days after the end of the month in which the contributions are withheld or received by the employer in the case of pension plans and 90 days after receipt or withholding in the case of welfare plans). The commentator's suggested change would undercut the purpose of the question which was designed to identify circumstances under which the Department's regulatory requirements for timely handling of participant contributions may have been violated. Accordingly, the comment has not been adopted.

2. *Direct Rollover Reporting.* The Agencies proposed to add to the Schedule H a requirement to separately report plan distributions in the form of ''direct rollovers'' to IRAs and other qualified plans. Several commentators stated that this information is currently reported to the IRS on Form 1099–R and suggested that additional recordkeeping burdens would result from this requirement. The Agencies decided to eliminate this question from the Schedule H.

3. *Schedule of Assets Held for Investment Purposes at End of Year, Schedule of Investment Assets Both Acquired and Disposed of Within the Plan Year, and Schedule of Reportable (5%) Transactions.* The Department received comments both supporting and opposing the proposal to eliminate these schedules from the annual report. Several commentators said that elimination of these schedules would deprive participants, the Department, and others of valuable plan information. Other commentators supported the change as reducing reporting burdens by eliminating unnecessary information from the annual report, but noted the proposal did not result in significant overall burden savings because all the information still had to be retained so that it could be made available to participants, beneficiaries, the Department and other authorized parties on request. In view of the potential importance of the scheduled information to participants and others, and the few additional burdens attendant to the filing of such information in light of the continued disclosure obligation, the Department decided to retain these schedules as part of the annual report for large plan filers. However, the Department decided to adopt the elements of the proposal that (1) eliminated the requirement to report participant or beneficiary directed transactions under an individual account plan on the schedule of reportable (5%) transactions, and (2) eliminated the requirement to report the historical cost for assets held as a result of such participant or beneficiary direction on the Schedule of Assets Held for Investment Purposes at End of Year and the Schedule of Investment Assets Both Acquired and Disposed of Within the PlanYear. Further, the instructions to the Form 5500 return/report state that, although these schedules must continue to be attached to the Form 5500 for large plan filers to report assets held for investment and reportable transactions, filers are not required to use computer scannable forms for these attachments.

One commentator also requested that the Department eliminate altogether the requirement to report cost information on the schedule of reportable transactions and the schedules of assets for ''participation units'' in insurer pooled accounts regardless of participant or beneficiary direction of the asset because, according to the commentator, some insurers do not maintain ''cost'' information on such participation units. The commentator stated that there is no ''natural historical cost number'' for these participation units and there is no taxable transaction associated with interfund transfers while funds are held within a tax qualified plan. Requirements regarding reporting of cost of plan assets have long

[4] The Department did not extend the filing due date for GIAs (i.e., due no later than the last day of the 7th month after the end of the GIA fiscal year) because the GIA filing is in lieu of the plan's filing rather than supplementing the plan's filing (as is the case with filings made by CCTs, PSAs, MTIAs and 103–12IEs). GIAs, however, are able to obtain the same filing extension that is available to plans (i.e., 2½ months by timely filing a Form 5558).

been part of the Title I annual reporting rules. Cost reporting in conjunction with current value reporting on these schedules for non-participant directed assets provides comparative information regarding the value of plan assets. The Department was unable to conclude, based on the limited information provided regarding the type of insurer accounts described by the commentator, that these accounts were not capable of being reported with a cost figure calculated on an acceptable accounting basis, and was unable to conclude that adopting this recommendation would be consistent with the purposes of Title I and would provide adequate disclosure to participants and beneficiaries and adequate reporting to the Department.

4. *Reporting Participant Loans in Default.* Several commentators asked for guidance on whether participant loans in default must continue to be reported on the Schedule G even after a ''deemed distribution'' has been reported to the IRS under the Code. Others asked that participant loans in default not be required to be reported if they are adequately secured by the participant's account balance in the plan. Under the proposal, participant loans in default could be reported as an aggregate figure rather than as individual loans on the Schedule G. In light of the above comments, several changes were made to the Schedule G as well as Schedule H and Schedule I to clarify the reporting requirements in a way that the Agencies believe will in the aggregate reduce administrative burdens and improve reporting regarding participant loans.

5. *Reporting Preferred and Common Stocks, Preferred and Other Corporate Debt, and Realized and Unrealized Gains/Losses.* Some commentators stated that the breakout of preferred versus common stock, preferred versus other bonds, and realized versus unrealized gains/losses is unnecessary and suggested that the Agencies consolidate those categories into stocks, bonds, and total gains/losses. Several commentators also stated that the recharacterization of corporate debt instruments from ''preferred'' and ''other'' to ''long term'' and ''short term'' would require reprogramming and questioned the value of this change. The Agencies have examined these breakouts and decided to retain them because they serve important enforcement and disclosure purposes, but, have decided to adopt the recommendation to retain the ''preferred'' and ''other'' categories for reporting corporate debt instruments.

6. *Reporting of Corrective Distributions.*—Plans that fail either the actual deferral percentage or actual contribution percentage tests, or certain plans that have Code section 415 excess annual additions may make corrective distributions to satisfy these rules. A commentator asked the Agencies to clarify how such corrective distributions should be reported on the form. In response, a new line was added to the Income and Expense Statements on Schedule H and Schedule I to report corrective distributions.

G. Schedule R (Retirement Plan Information)

Schedule R (Retirement Plan Information), referred to as Schedule PEN in the September 3, 1997 proposal, was modified in response to public comments. As noted above, the questions on the number of participants were consolidated into the Form 5500. The questions on plan distributions and funding were continued, but the requirement to report distributions that were not paid as qualified joint and survivor annuities, which some commentators characterized as burdensome, was replaced, at a commentator's recommendation, with the requirement to report the number of single sum distributions. The Agencies, however, retained the reporting of distributions paid in property other than cash, annuity contracts or publicly traded securities and the EINs of the two principal payors of plan benefits because they serve as valuable tools for monitoring plans' compliance with the requirements and objectives of ERISA and the Code.

H. Schedule T (Qualified Plan Coverage Information)

Schedule T, referred to as Schedule Q in the September 3, 1997 proposal, requires the reporting of specific plan coverage data pertinent to a plan's compliance with the minimum coverage requirements of the Code and is being adopted largely as proposed. The Form 5500 and the Schedule T allow plans, in appropriate circumstances, to report coverage information as infrequently as every third year under the three year testing cycle rule. In response to a commentator's request, a space was added to the Form 5500 that allows a filer to indicate that a Schedule T is not being attached because the plan is relying on coverage testing information for a prior year. Further, in response to one comment, the instructions for the Schedule T have been modified to allow plans maintained by more than one employer to report which of their participating employers automatically meet the minimum coverage requirements, thus eliminating the separate Schedule T that would otherwise have to be filed for these employers.

I. Miscellaneous Technical Adjustments

Various commentators submitted technical suggestions on how to further improve and clarify various portions of the proposal. Many of the suggestions focused on technical corrections and improvements in the instructions as opposed to changes on the forms. The Agencies have reviewed the comments and made various technical corrections/clarifications in response to those comments.

III. Regulations Relating to the Final Form

For purposes of Title I of ERISA, the filing of a completed Form 5500 (including the report of an independent qualified public accountant and any required statements, schedules and attachments) by plans with 100 or more participants constitutes compliance with the limited exemption and alternative method of compliance prescribed in paragraph (b) of 29 CFR 2520.103–1, promulgated in accordance with the authority granted the Secretary under sections 104(a)(3) and 110 of ERISA. The filing of a completed Form 5500, with the appropriate statements, schedules and attachments, also constitutes compliance with the simplified annual reporting requirements prescribed at 29 CFR 2520.104–41, adopted pursuant to the authority granted the Secretary under ERISA sections 104(a)(2)(A) and 104(a)(3). Also see 29 CFR 2520.103–1(c). In the supplementary information accompanying the 1997 proposed forms revisions (62 FR 46556), the Department noted that certain amendments to the annual reporting regulations would be necessary to accommodate certain proposed revisions to the forms. As stated previously, proposed amendments to the Department's annual reporting regulations were published in the **Federal Register** for public comment on December 10, 1998 (63 FR 68370). A final rule amending the Department's annual reporting regulations will be published separately by the Department in the **Federal Register**. The findings required under sections 104(a)(3) and 110 of ERISA relating to the use of the Form 5500, as revised, as an alternative method of compliance and limited exemption from the reporting and disclosure requirements of part 1 of Title I of ERISA will be contained in that final rule.

Paperwork Reduction Act

The Form 5500 Series contain information collection requirements.

They have been approved by the Office of Management and Budget under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)). The Form 5500 Series has been assigned the following OMB Control Numbers: U.S. Department of Labor, Pension and Welfare Benefits Administration 1210–0110 and 1210–0089; U.S. Department of the Treasury, Internal Revenue Service 1545–1610; and Pension Benefit Guaranty Corporation 1212–0057. The OMB control numbers and estimates of the time required to complete the Form 5500 Series are presented in the Paperwork Reduction Act Notice contained in the instructions to the Form 5500 Series.

Statutory Authority

Accordingly, pursuant to the authority in sections 101, 103, 104, 109, 110 and 4065 of ERISA and sections 6039D and 6058 of the Code, the Form 5500 Series Annual Return/Report and the instructions thereto are adopted as set forth herein.

Signed at Washington, DC, this 20th day of January, 2000.

Leslie Kramerich,

Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor.

Carol D. Gold,

Director, Employee Plans, Tax Exempt and Government Entities Division, Internal Revenue Service, Department of the Treasury.

David M. Strauss,

Executive Director, Pension Benefit Guaranty Corporation.

BILLING CODE 4510–29–P

Form **5500**

Department of the Treasury
Internal Revenue Service
Department of Labor
Pension and Welfare Benefits Administration
Pension Benefit Guaranty Corporation

Annual Return/Report of Employee Benefit Plan

This form is required to be filed under sections 104 and 4065 of the Employee Retirement Income Security Act of 1974 (ERISA) and sections 6039D, 6047(e), 6057(b), and 6058(a) of the Internal Revenue Code (the Code).

▶ Type or print all entries in accordance with the instructions to the Form 5500.

Official Use Only

OMB Nos. 1210-0110 / 1201-0089

1999

This Form is Open to Public Inspection.

Part I Annual Report Identification Information

For the calendar plan year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A This return/report is for:
- (1) ☐ a multiemployer plan;
- (2) ☐ a single-employer plan (other than a multiple-employer plan);
- (3) ☐ a multiple-employer plan; or
- (4) ☐ a DFE (specify) ..... ☐

B This return/report is:
- (1) ☐ the first return/report filed for the plan;
- (2) ☐ an amended return/report;
- (3) ☐ the final return/report filed for the plan;
- (4) ☐ a short plan year return/report (less than 12 months).

C If the plan is a collectively-bargained plan, check here ..... ▶ ☐

D If you filed for an extension of time to file, check the box and attach a copy of the extension application ..... ▶ ☐

Part II Basic Plan Information -- enter all requested information.

1a Name of plan

1b Three-digit plan number (PN) ▶

1c Effective date of plan MM / DD / YYYY

Caution: *A penalty for the late or incomplete filing of this return/report will be assessed unless reasonable cause is established.*

Under penalties of perjury and other penalties set forth in the instructions, I declare that I have examined this return/report, including accompanying schedules, statements, and attachments, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of plan administrator ▶ _____ Date MM / DD / YYYY

Typed or printed name of individual signing as plan administrator

a

Signature of employer/plan sponsor/DFE ▶ _____ Date MM / DD / YYYY

Typed or printed name of individual signing as employer, plan sponsor or DFE, as applicable

b

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 13500F Form **5500** (1999)

0 1 9 9 0 0 0 1 1 L

Form 5500 (1999) Page 2

Official Use Only

2a Plan sponsor's name and address (employer, if for single-employer plan) (Address should include room or suite no.)

1) Name

Name Continued

2) Doing Business As (DBA) Name

C / O Name

3) Mailing Street Address (or Foreign Street)

4) Location Address

Location Address Continued

5) Foreign Routing Code (Zip Code)

6) Foreign Mailing Country

7) City (or Foreign City)

8) State Zip Code

2b Employer Identification Number (EIN)

2c Sponsor's telephone number

2d Business code (see instructions)

3a Plan administrator's name and address (if same as plan sponsor, enter "Same")

1) Name

Name Continued

C / O Name

2) Street Address (or Foreign Street)

3) Foreign Routing Code (Zip Code)

4) Foreign Mailing Country

5) City (or Foreign City)

6) State Zip Code

3b Administrator's EIN

3c Administrator's telephone number

4 If the name and/or EIN of the plan sponsor has changed since the last return/report filed for this plan, enter the name, EIN and the plan number from the last return/report below:

a Sponsor's name

b EIN

c PN

0 1 9 9 0 0 0 2 1 M

Form 5500 (1999) Page 3

Official Use Only

5 Preparer information (optional)

a Name (including firm name, if applicable) and address

1) Name

Name Continued

2) Street Address (or Foreign Street)

3) Foreign Routing Code (Zip Code)

4) Foreign Mailing Country

5) City (or Foreign City)

6) State Zip Code

b EIN

c Telephone number

6 Total number of participants at the beginning of the plan year

7 Number of participants as of the end of the plan year (welfare plans complete only lines **7a**, **7b**, **7c**, and **7d**)

a Active participants

b Retired or separated participants receiving benefits

c Other retired or separated participants entitled to future benefits

d Subtotal. Add lines **7a**, **7b**, and **7c**

e Deceased participants whose beneficiaries are receiving or are entitled to receive benefits

f Total. Add lines **7d** and **7e**

g Number of participants with account balances as of the end of the plan year (only defined contribution plans complete this item)

h Number of participants that terminated employment during the plan year with accrued benefits that were less than 100% vested

I If any participant(s) separated from service with a deferred vested benefit, enter the number of separated participants required to be reported on a Schedule SSA (Form 5500)

0 1 9 9 0 0 0 3 1 N

Form 5500 (1999) Page 4

Official Use Only

8 Benefits provided under the plan (complete 8a through 8c, as applicable)

a ☐ Pension benefits (check this box if the plan provides pension benefits and enter the applicable pension feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐

b ☐ Welfare benefits (check this box if the plan provides welfare benefits and enter the applicable welfare feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐ ☐☐

c ☐ Fringe benefits (check this box if the plan provides fringe benefits)

9a Plan funding arrangement (check all that apply)

(1) ☐ Insurance

(2) ☐ Section 412(i) insurance contracts

(3) ☐ Trust

(4) ☐ General assets of the sponsor

9b Plan benefit arrangement (check all that apply)

(1) ☐ Insurance

(2) ☐ Section 412(i) insurance contracts

(3) ☐ Trust

(4) ☐ General assets of the sponsor

10 Schedules attached (Check all applicable boxes and, where indicated, enter the number attached. See instructions.)

a Pension Benefit Schedules

1) ☐ R (Retirement Plan Information)

2) ☐ ☐☐☐ T (Qualified Pension Plan Coverage Information)

If a Schedule T is not attached because the plan is relying on coverage testing information for a prior year, enter the year ..... ▶ Y Y Y Y

3) ☐ B (Actuarial Information)

4) ☐ E (ESOP Annual Information)

5) ☐ SSA (Separated Vested Participant Information)

b Financial Schedules

1) ☐ H (Financial Information)

2) ☐ I (Financial Information--Small Plan)

3) ☐ ☐☐☐ A (Insurance Information)

4) ☐ C (Service Provider Information)

5) ☐ D (DFE/Participating Plan Information)

6) ☐ G (Financial Transaction Schedules)

7) ☐ ☐☐☐ P (Trust Fiduciary Information)

c Fringe Benefit Schedule

☐ F (Fringe Benefit Plan Annual Information)

0 1 9 9 0 0 0 4 1 0

SCHEDULE A (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Pension and Welfare Benefits Administration

Pension Benefit Guaranty Corporation

Insurance Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974

▶ **File as an attachment to Form 5500.**

▶ Insurance companies are required to provide this information pursuant to ERISA section 103(a)(2).

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number** -

Part I **Information Concerning Insurance Contract Coverage, Fees, and Commissions**

Provide information for each contract on a separate Schedule A. Individual contracts grouped as a unit in Parts II and III can be reported on a single Schedule A.

1 Coverage:

(a) Name of insurance carrier

(b) EIN -

(c) NAIC code

(d) Contract or identification number

(e) Approximate number of persons covered at end of policy or contract year.

Policy or contract year **(f)** From MM / DD / YYYY **(g)** To MM / DD / YYYY

2 Insurance fees and commissions paid to agents, brokers, and other persons:

Totals Amount of commissions paid .00

Fees paid / Amount .00

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 13505I **Schedule A (Form 5500) 1999**

0 5 9 9 0 0 0 1 1 P

Schedule A (Form 5500) 1999 Page 2

Official Use Only

(a) Name and address of the agents, brokers or other persons to whom commissions or fees were paid

Name

Street Address

City State Zip Code -

(b) Amount of commissions paid .00

(c) Fees paid / Amount .00

(e) Organization code

(d) Fees paid / Purpose

(a) Name and address of the agents, brokers or other persons to whom commissions or fees were paid

Name

Street Address

City State Zip Code -

(b) Amount of commissions paid .00

(c) Fees paid / Amount .00

(e) Organization code

(d) Fees paid / Purpose

(a) Name and address of the agents, brokers or other persons to whom commissions or fees were paid

Name

Street Address

City State Zip Code -

(b) Amount of commissions paid .00

(c) Fees paid / Amount .00

(e) Organization code

(d) Fees paid / Purpose

0 5 9 9 0 0 0 2 1 Q

Schedule A (Form 5500) 1999 Page **3**

Official Use Only

Part II **Investment and Annuity Contract Information**

Where individual contracts are provided, the entire group of such individual contracts with each carrier may be treated as a unit for purposes of this report.

3 Current value of plan's interest under this contract in the general account at year end .00

4 Current value of plan's interest under this contract in separate accounts at year end .00

5 Contracts With Allocated Funds

a State the basis of premium rates

▶

b Premiums paid to carrier ..... .00

c Premiums due but unpaid at the end of the year ..... .00

d If the carrier, service, or other organization incurred any specific costs in connection with the acquisition or retention of the contract or policy, enter amount ..... .00

Specify nature of costs

▶

e Type of contract (1) ☐ individual policies (2) ☐ group deferred annuity

(3) ☐ other (specify below)

▶

f If contract purchased, in whole or in part, to distribute benefits from a terminating plan check here ▶ ☐

0 5 9 9 0 0 0 3 1 R

Schedule A (Form 5500) 1999 Page 4

Official Use Only

6 Contracts With Unallocated Funds (Do not include portions of these contracts maintained in separate accounts)

a Type of contract

(1) ☐ deposit administration (2) ☐ immediate participation guarantee (3) ☐ guaranteed investment

(4) ☐ other (specify below)

▶

b Balance at the end of the previous year ..... .00

c Additions:

(1) Contributions deposited during the year ..... .00

(2) Dividends and credits ..... .00

(3) Interest credited during the year ..... .00

(4) Transferred from separate account ..... .00

(5) Other (specify below) ..... .00

▶

(6) Total additions ..... .00

d Total of balance and additions (add b and c(6)) ..... .00

e Deductions:

(1) Disbursed from fund to pay benefits or purchase annuities during year ..... .00

(2) Administration charge made by carrier ..... .00

(3) Transferred to separate account ..... .00

(4) Other (specify below) ..... .00

▶

(5) Total deductions ..... .00

f Balance at the end of the current year (subtract e(5) from d) ..... .00

0 5 9 9 0 0 0 4 1 S

Official Use Only

Part III **Welfare Benefit Contract Information**

If more than one contract covers the same group of employees of the same employer(s) or members of the same employee organization(s), the information may be combined for reporting purposes if such contracts are experience-rated as a unit. Where individual contracts are provided, the entire group of such individual contracts with each carrier may be treated as a unit for purposes of this report.

7 Benefit and contract type (check all applicable boxes)

(a) ☐	Health (other than dental or vision)	(b) ☐	Dental	(c) ☐	Vision	(d) ☐	Life Insurance
(e) ☐	Temporary disability (accident and sickness)	(f) ☐	Long-term disability	(g) ☐	Supplemental unemployment	(h) ☐	Prescription drug
(i) ☐	Stop loss (large deductible)	(j) ☐	HMO contract	(k) ☐	PPO contract	(l) ☐	Indemnity contract
(m) ☐	Other (specify below)						

▶ ☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐☐

8 Experience-rated contracts

a Premiums:

(1) Amount received ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(2) Increase (decrease) in amount due but unpaid ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(3) Increase (decrease) in unearned premium reserve ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(4) Earned *((1) + (2) - (3))* ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

b Benefit charges:

(1) Claims paid ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(2) Increase (decrease) in claim reserves ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(3) Incurred claims (add *(1)* and *(2)*) ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

(4) Claims charged ..... ☐☐☐☐☐☐☐☐☐☐☐☐.00

0 5 9 9 0 0 0 5 1 T

Schedule A (Form 5500) 1999 Page 6

Official Use Only

c Remainder of premium:

(1) Retention charges (on an accrual basis) --

(A) Commissions .00

(B) Administrative service or other fees .00

(C) Other specific acquisition costs .00

(D) Other expenses .00

(E) Taxes .00

(F) Charges for risks or other contingencies .00

(G) Other retention charges .00

(H) Total retention .00

(2) Dividends or retroactive rate refunds.

(These amounts were 1) ☐ paid in cash, or 2) ☐ credited.) ... .00

d Status of policyholder reserves at end of year:

(1) Amount held to provide benefits after retirement .00

(2) Claim reserves .00

(3) Other reserves .00

e Dividends or retroactive rate refunds due.
(Do not include amount entered in c(2).) .00

9 Nonexperience-rated contracts:

a Total premiums or subscription charges paid to carrier .00

b If the carrier, service, or other organization incurred any specific costs in connection with the acquisition or retention of the contract or policy, other than reported in Part I, item 2 above, report amount .00
Specify nature of costs below

0 5 9 9 0 0 0 6 1 U

SCHEDULE B (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Pension and Welfare Benefits Administration

Pension Benefit Guaranty Corporation

Actuarial Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974, referred to as ERISA, except when attached to Form 5500-EZ and, in all cases, under section 6059(a) of the Internal Revenue Code, referred to as the Code.

▶ **Attach to Form 5500 or 5500-EZ if applicable.**
▶ **See separate instructions.**

Official Use Only
OMB No. 1210-0110

1999

This Form is Open to Public Inspection (except when attached to Form 5500-EZ).

For calendar plan year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

▶ **If an item does not apply, enter "N/A."** ▶ **Round off amounts to nearest dollar.**

▶ **Caution:** *A penalty of $1,000 will be assessed for late filing of this report unless reasonable cause is established.*

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500 or 5500-EZ

D **Employer Identification Number**

E Type of plan:

(1) ☐ Single-employer (2) ☐ Multiemployer (3) ☐ Multiple-employer

F ☐ 100 or fewer participants in prior plan year

Part I **Basic Information** (To be completed by all plans)

1a Enter the actuarial valuation date: MM / DD / YYYY

b Assets:

(1) Current value of assets ..... .00

(2) Actuarial value of assets for funding standard account ..... .00

Statement by Enrolled Actuary (see instructions before signing):

To the best of my knowledge, the information supplied in this schedule and on the accompanying schedules, statements, and attachments, if any, is complete and accurate, and in my opinion each assumption used in combination, represents my best estimate of anticipated experience under the plan. Furthermore, in the case of a plan other than a multiemployer plan, each assumption used (a) is reasonable (taking into account the experience of the plan and reasonable expectations) or (b) would, in the aggregate, result in a total contribution equivalent to that which would be determined if each such assumption were reasonable; in the case of a multiemployer plan, the assumptions used, in the aggregate, are reasonable (taking into account the experience of the plan and reasonable expectations).

Signature of actuary _____ Date MM / DD / YYYY

Print or type

Name of actuary

Firm name

Address of the firm

City State Zip Code -

G Most recent enrollment number - Telephone number (including area code) - -

If the actuary has not fully reflected any regulation or ruling promulgated under the statute in completing this schedule, check the box and see instructions ..... ☐

For Paperwork Reduction Act Notice and OMB Control Nos., see the Inst. for Form 5500 or 5500-EZ. Cat. No. 13507E **Schedule B (Form 5500) 1999**

0 7 9 9 0 0 0 1 1 R

Schedule B (Form 5500) 1999 Page 2

Official Use Only

c (1) Accrued liability for plans using immediate gain methods ..... .00

(2) Information for plans using spread gain methods:

(a) Unfunded liability for methods with basis ..... .00

(b) Accrued liability under entry age normal method ..... .00

(c) Normal cost under entry age normal method ..... .00

d Information on current liabilities of the plan:

(1) Amount excluded from current liability attributable to pre-participation service (see instructions) ..... .00

(2) "RPA '94" information:

(a) Current liability ..... .00

(b) Expected increase in current liability due to benefits accruing during the plan year ..... .00

(c) Current liability computed at highest allowable interest rate (see instructions) ..... .00

(d) Expected release from "RPA '94" current liability for the plan year ..... .00

(3) "OBRA '87" information:

(a) Current liability ..... .00

(b) Expected increase in current liability due to benefits accruing during the plan year ..... .00

(c) Expected release from "OBRA '87" current liability for the plan year ..... .00

(4) Expected plan disbursements for the plan year ..... .00

2 Operational information as of beginning of this plan year:

a Current value of the assets (see instructions) ..... .00

b "RPA '94" current liability:

	(1) No. of Persons	(2) Vested Benefits	(3) Total Benefits
(1) For retired participants and beneficiaries receiving payments		.00	.00
(2) For terminated vested participants		.00	.00
(3) For active participants		.00	.00
(4) Total		.00	.00

c If the percentage resulting from dividing line 2a by line 2b(4), column (3), is less than 70%, enter such percentage ..... %

0 7 9 9 0 0 0 2 1 S

Schedule B (Form 5500) 1999 Page **3**

Official Use Only

3 Contributions made to the plan for the plan year by employer(s) and employees:

(a) Month-Day-Year	(b) Amount paid by employer	(c) Amount paid by employees
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
M M / D D / Y Y Y Y	.00	.00
3 Totals ..... ▶	.00	.00

4 Quarterly contributions and liquidity shortfall(s):

a Plans other than multiemployer plans, enter funded current liability percentage for preceding year (see instructions) ..... %

b If line 4a is less than 100%, see instructions, and complete the following amount fields as applicable:

Liquidity shortfall as of end of Quarter of this plan year

(1) 1st	.00	(3) 3rd	.00
(2) 2nd	.00	(4) 4th	.00

5 Actuarial cost method used as the basis for this plan year's funding standard account computation:

(a) ☐ Attained age normal (b) ☐ Entry age normal (c) ☐ Accrued benefit (unit credit) (d) ☐ Aggregate

(e) ☐ Frozen initial liability (f) ☐ Individual level premium (g) ☐ Individual aggregate (h) ☐ Other (specify)

▶

0 7 9 9 0 0 0 3 1 T

Schedule B (Form 5500) 1999 Page 4

Official Use Only

i Has a change been made in funding method for this plan year? ☐ Yes ☐ No

j If line i is "Yes," was the change made prusuant to Revenue Procedure 95-51 as modified by Revenue Procedure 98-10? ☐ Yes ☐ No

k If line i is "Yes," and line j is "No" enter the date of the ruling letter (individual or class) approving the change in funding method MM / DD / YYYY

6 Checklist of certain actuarial assumptions:

a Interest rates for: (1) "RPA '94" current liability ____ % N/A ☐

(2) "OBRA '87" current liability ____ % ☐

b Weighted average retirement age ____ ☐

	Pre-retirement	Post-retirement
c Rates specified in insurance or annuity contracts	☐ Yes ☐ No ☐ N/A	☐ Yes ☐ No ☐ N/A
d Mortality table code for valuation purposes:		
(1) Males		
(2) Females	N/A	N/A
e Valuation liability interest rate	% ☐	% ☐
f Expense loading	% ☐	% ☐

	Male	Female
g Annual withdrawal rates:		
(1) Age 25	%	%
(2) Age 40	%	%
(3) Age 55	% N/A	% N/A
h Salary scale	% ☐	% ☐

i Estimated investment return on actuarial value of assets for the year ending on the valuation date ____ %

7 New amortization basis established in the current plan year:

(1) Type of Base	(2) Initial Balance	(3) Amortization Charge/Credit
	.00	.00
	.00	.00
	.00	.00
	.00	.00
	.00	.00
	.00	.00

0 7 9 9 0 0 0 4 1 U

Schedule B (Form 5500) 1999 Page **5**

Official Use Only

8 Miscellaneous information:

a If a waiver of a funding deficiency or an extension of an amortization period has been approved for this plan year, enter the date of the ruling letter granting the approval ..... MM / DD / YYYY

b If one or more alternative methods or rules (as listed in the instructions) were used for this plan year, enter the appropriate code in accordance with the instructions ..... ▶

c Is the plan required to provide a Schedule of Active Participant Data? (see instructions) ..... ☐ Yes ☐ No
If "Yes," attach schedule.

9 Funding standard account statement for this plan year:

Charges to funding standard account:

a Prior year funding deficiency, if any ..... .00

b Employer's normal cost for plan year as of valuation date ..... .00

c Amortization charges as of valuation date: Outstanding Balance

(1) All bases except funding waivers ▶ ($ .00) .00

(2) Funding waivers ▶ ($ .00) .00

d Interest as applicable on line 9a, 9b, and 9c ..... .00

e Additional interest charge due to late quarterly contributions, if applicable ..... .00

f Additional funding charge from Part II, line 12u, if applicable ..... N/A ☐ .00

g Total charges. Add lines 9a through 9f ..... .00

Credits to funding standard account:

h Prior year credit balance, if any ..... .00

i Employer contributions. Total from column (b) of line 3 ..... .00

Outstanding Balance

j Amortization credits as of valuation date ▶ ($ .00) .00

k Interest as applicable to end of plan year on lines 9h, 9i, and 9j ..... .00

l Full funding limitation (FFL) and credits

(1) ERISA FFL (accrued liability FFL) ..... .00

(2) "OBRA '87" FFL (155% current liability FFL) . .00

(3) "RPA '94" override (90% current liability FFL) .00

(4) FFL credit before reflecting "OBRA '87" FFL ..... .00

(5) Additional credit due to "OBRA '87" FFL ..... .00

m (1) Waived funding deficiency ..... .00

(2) Other credits ..... .00

n Total credits. Add lines 9h through 9k, 9l(4), 9l(5), 9m(1), and 9m(2) ..... .00

0 7 9 9 0 0 0 5 1 V

Official Use Only

o Credit balance: If line 9n is greater than line 9g, enter the difference ..... .00

p Funding deficiency: If line 9g is greater than line 9n, enter the difference ..... .00

Reconciliation account:

q Current year's accumulated reconciliation account:

(1) Due to additional funding charges as of the beginning of the plan year ..... .00

(2) Due to additional interest charges as of the beginning of the plan year ..... .00

(3) Due to waived funding deficiencies:

(a) Reconciliation outstanding balance as of valuation date ..... .00

(b) Reconciliation amount. Line 9c(2) balance minus line 9q(3)(a) ... .00

(4) Total as of valuation date ..... ▶ .00

10 Contribution necessary to avoid an accumulated funding deficiency. Enter the amount in line 9p or the amount required under the alternative funding standard account if applicable ..... .00

11 Has a change been made in the actuarial assumptions for the current plan year? If "Yes," see instructions. ☐ Yes ☐ No

Part II Additional Information for Certain Plans Other Than Multiemployer Plans

Please see **Who Must File** in the instructions to determine if you must complete Part II.

12 Additional required funding charge (see instructions):

a Enter "Gateway %." Divide line 1b(2) by line 1d(2)(c) and multiply by 100. If line 12a is at least 90%, go to line 12u and enter -0-. If line 12a is less than 80%, go to line 12b. If line 12a is at least 80% (but less than 90%), see instructions and, if applicable, go to line 12u and enter -0-. Otherwise, go to line 12b ..... %

b "RPA '94" current liability. Enter line 1d(2)(a) ..... .00

c Adjusted value of assets (see instructions) ..... .00

d Funded current liability percentage. Divide line 12c by 12b and multiply by 100 ..... %

e Unfunded current liability. Subtract line 12c from line 12b ..... .00

f Liability attributable to any unpredictable contingent event benefit ..... .00

g Outstanding balance of unfunded old liability ..... .00

h Unfunded new liability. Subtract the total of lines 12f and 12g from line 12e. Enter -0- if negative ..... .00

i Unfunded new liability amount (% of line 12h) ..... .00

j Unfunded old liability amount ..... .00

k Deficit reduction contribution. Add lines 12i, 12j, and 1d(2)(b) ..... .00

0 7 9 9 0 0 0 6 1 W

Schedule B (Form 5500) 1999 Page 7

Official Use Only

l Net charges in funding standard account used to offset the deficit reduction contribution. Enter a negative number if less than zero ..... .00

m Unpredictable contingent event amount:

(1) Benefits paid during year attributable to unpredictable contingent event ..... .00

(2) Unfunded current liability percentage. Subtract the percentage on line 12d from 100% ..... %

(3) Transition percentage ..... 80.00 %

(4) Enter the product of lines 12m(1), 12m(2), and 12m(3) ..... .00

(5) Amortization of all unpredictable contingent event liabilities ..... .00

(6) "RPA '94" additional amount (see instructions) .00

(7) Enter the greatest of lines 12m(4), 12m(5), or 12m(6) ..... .00

Preliminary Calculation

n Preliminary additional funding charge: Enter the excess of line 12k over line 12l (if any), plus line 12m(7), adjusted to end of year with interest ..... .00

o Contributions needed to increase current liability percentage to 100% (see instructions) ..... .00

p Enter the lesser of line 12n or 12o. Also, enter the result on line 12t if the employer did not elect for 1995 to use the Optional rule under Code section 412(l)(3)(E) and does not elect for 1999 to use the Transition rule under Code section 412(l)(11) ..... .00

Final Calculation (complete line 12q, 12r, or 12s, as applicable, and lines 12t and 12u)

q If the employer elects to use the Transition rule for 1999, but did not elect for 1995 to use the Optional rule, complete line 14 and enter the lesser of line 12p or 14e here and on line 12t ..... .00

r If the employer elected for 1995 to use the Optional rule, but does not elect for 1999 to use the Transition rule, complete line 13 and enter the greater of line 12p or 13q here and on line 12t ..... .00

s If the employer elected for 1995 to use the Optional rule and elects to use the Transition rule for 1999, enter the lesser of (1) the greater of line 12p or 13q, or (2) line 14e. Also, enter on line 12t ..... .00

t Additional funding charge prior to adjustment ..... .00

u Adjusted additional funding charge. (.0 % of line 12t) ..... .00

13 Additional funding charge under prior law (see instructions):

a "OBRA '87" current liability. Enter line 1d(3)(a) ..... .00

b Adjusted value of assets (see instructions) ..... .00

c Funded current liability percentage. Divide line 13b by line 13a and multiply by 100 ..... %

d Unfunded current liability. Subtract line 13b from line 13a ..... .00

0 7 9 9 0 0 0 7 1 X

Schedule B (Form 5500) 1999 Page 8

Official Use Only

e Outstanding balance of unfunded old liability ..... .00

f Liability attributable to any unpredictable contingent event benefit ..... .00

g Unfunded new liability. Subtract the total of lines 13e and 13f from line 13d ..... .00

h Unfunded new liability amount (. % of line 13g) ..... .00

i Unfunded old liability amount ..... .00

j Deficit reduction contribution. Add lines 13h and 13i ..... .00

k Net amortization charge for certain bases ..... .00

l Unpredictable contingent event amount:

(1) Benefits paid during year attributable to unpredictable contingent event ..... .00

(2) Unfunded current liability percentage. Subtract the percentage on line 13c from 100% ..... %

(3) Transition percentage ..... 80.00 %

(4) Enter the product of lines 13l(1), 13l(2), and 13l(3) ..... .00

(5) Amortization of all unpredictable contingent event liabilities ..... .00

(6) Enter the greater of line 13l(4) or line 13l(5) ..... .00

m Additional funding charge (excess of line 13j over line 13k (if any), plus line 13l(6)) .00

n Assets needed to increase current liability percentage to 100% (line 13d) ..... .00

o Smaller of line 13m or line 13n ..... .00

p Interest adjustment ..... .00

q Additional funding charge. Add lines 13o and 13p ..... .00

14 Transition rule:

a Initial funded current liability percentage. Enter the percentage from line 12d of the 1995 Schedule B here ..... %

b Target percentage for transition rule (see instructions) ..... %

c Target amount (see instructions) ..... .00

d Enter the amount from line 13q here (additional funding charge under prior law) .... .00

e Additional funding charge under transition rule of Code section 412(l)(11): Enter the greater of line 14c or 14d ..... .00

0 7 9 9 0 0 0 8 1 Y

SCHEDULE C (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor Pension and Welfare Benefits Administration

Pension Benefit Guaranty Corporation

Service Provider Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974.

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number** ___ - _____

Part I Service Provider Information (see Instructions)

1 Enter the total dollar amount of compensation paid by the plan to all persons, other than those listed below, who received compensation during the plan year: ..... .00

2 On the first item below list the contract administrator, if any, as defined in the instructions. On the other items, list service providers in descending order of the compensation they received for the services rendered during the plan year. List only the top 40. 103-12 IEs should enter N/A in columns (c) and (d).

(a) Name

(b) Employer identification number (see instructions) ___ - _____

(c) Official plan position: Contract administrator

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions): 1 2

(a) Name

(b) Employer identification number (see instructions) ___ - _____

(c) Official plan position

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions)

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 13515E **Schedule C (Form 5500) 1999**

0 9 9 9 0 0 0 1 1 T

Schedule C (Form 5500) 1999 Page 2

Official Use Only

(a) Name

(b) Employer identification number (see instructions)

(c) Official plan position

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions)

(a) Name

(b) Employer identification number (see instructions)

(c) Official plan position

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions)

(a) Name

(b) Employer identification number (see instructions)

(c) Official plan position

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions)

(a) Name

(b) Employer identification number (see instructions)

(c) Official plan position

(d) Relationship to employer, employee organization, or person known to be a party-in interest

(e) Gross salary or allowances paid by plan .00

(f) Fees and commissions paid by plan .00

(g) Nature of service code(s) (see instructions)

0 9 9 9 0 0 0 2 1 U

Schedule C (Form 5500) 1999 Page 3

Official Use Only

Part II **Termination Information on Accountants and Enrolled Actuaries** (see instructions)

(a) Name

(b) EIN

(c) Position

(d) Address

Street Address

City

State

Zip Code

(e) Telephone No.

EXPLANATION

(a) Name

(b) EIN

(c) Position

(d) Address

Street Address

City

State

Zip Code

(e) Telephone No.

EXPLANATION

0 9 9 9 0 0 0 3 1 V

SCHEDULE D (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor Pension and Welfare Benefits Administration

DFE/Participating Plan Information

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA).

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For calendar plan year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan or DFE

B Three-digit plan number ▶

C Plan or DFE sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number** -

Part I **Information on interests in MTIAs, CCTs, PSAs, and 103-12 IEs (to be completed by plans and DFEs)**

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN - PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN - PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 22774J **Schedule D (Form 5500) 1999**

1 1 9 9 0 0 0 1 1 M

Schedule D (Form 5500) 1999 Page **2**

Official Use Only

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN – PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN – PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN – PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

(a) Name of MTIA, CCT, PSA, or 103-12IE

(b) Name of sponsor of entity listed in (a)

(c) EIN – PN (d) Entity code (e) Dollar value of interest in MTIA, CCT, PSA, or 103-12IE at end of year (see instructions) .00

1 1 9 9 0 0 0 2 1 N

Schedule D (Form 5500) 1999 Page 3

Official Use Only

Part II **Information on Participating Plans (to be completed by DFEs)**

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

1 1 9 9 0 0 0 3 1 0

Schedule D (Form 5500) 1999 Page 4

Official Use Only

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

(a) Plan name

(b) Name of plan sponsor

(c) EIN - PN

1 1 9 9 0 0 0 4 1 P

SCHEDULE E (Form 5500)

Department of the Treasury
Internal Revenue Service

ESOP Annual Information

Under Section 6047(e) of the Internal Revenue Code

▶ **File as an attachment to Form 5500 or 5500-EZ.**

Official Use Only

OMB No. 1210-0110

1999

This Form is NOT Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500 or 5500-EZ

D **Employer Identification Number**

		Yes	No
1a	Did the employee stock ownership plan (ESOP) have an outstanding securities acquisition loan within the meaning of Code section 133 during the plan year?	☐	☐
b	Did the employer maintaining the ESOP pay dividends (deductible under section 404(k)) on the employer's stock held by the ESOP during the employer's tax year in which the plan year ends?	☐	☐

If both line **1a** and line **1b** are "No," DO NOT complete any other questions on this schedule.
Attach the schedule to the Form 5500 or 5500-EZ you file for your ESOP plan.

2 What is the total value of the ESOP assets? ▶ .00

3 If the ESOP holds preferred stock, under what formula is the preferred stock convertible into common stock of the employer corporation? ▶

4 If unallocated employer securities were released from a loan suspense account, indicate below the methods used:

a ☐ Principal and interest (Excise Tax Regulations section 54.4975-7(b)(8)(i));

b ☐ Principal only (Excise Tax Regulations section 54.4975-7(b)(8)(ii));

c ☐ Other (attach an explanation)

		Yes	No
5	Were unallocated securities or proceeds from the sale of unallocated securities used to repay any exempt loan (within the meaning of Code section 4975(d)(3))?	☐	☐

If "Yes," attach a description of the transaction.
If the ESOP or the employer corporation has one or more outstanding securities acquisition loans intended to satisfy Code section 133, complete lines **6** through **11**, otherwise skip to line **12**.

6a	Was the ESOP loan part of a "back to back" loan? (See instructions for definition of "back to back" loan.)	☐	☐
b	If line **6a** is "Yes," are the terms of the two loans substantially similar?	☐	☐
c	Do the two loans have the same amortization schedule? If "No," attach an explanation of how the amortization schedules differ	☐	☐
7	Is the loan an immediate allocation loan as defined in Code section 133(b)(1)(B)?	☐	☐

8a What was the date of the securities acquisition loan? ▶ MM / DD / YYYY

For Paperwork Reduction Act Notice and OMB Control Nos., see the inst. for Form 5500 or 5500-EZ. Cat. No. 12349Y **Schedule E (Form 5500) 1999**

1 3 9 9 0 0 0 1 1 0

Schedule E (Form 5500) 1999 Page **2**

Official Use Only

	Yes	No
b At all times after the acquisition of the employer securities with the loan proceeds, did the ESOP own more than 50% of: (i) each class of outstanding stock of the employer corporation, or (ii) the total value of all outstanding stock of the corporation?	☐	☐
c If line **8b** is "No," does the securities acquisition loan satisfy one of the transition rules of Act section 7301(f) of OBRA 1989 or satisfy the exception in Code section 133(b)(6)(B)(ii)? (See instructions for explanation of transition rules.)	☐	☐

d If line **8c** is "No," enter the name and address of payees to whom interest with respect to securities acquisition loans was paid.

Name

Street

City State Zip Code -

9 What was the amount of interest paid on the securities acquisition loan? ▶ .00

	Yes	No
10a Were any securities disposed of within 3 years after the plan acquired section 133 securities in a taxable event described in Code section 4978B(c)?	☐	☐
b If line **10a** is "Yes," does one or more of the exceptions provided in Code section 4978B(d) apply to all dispositions of employer securities?	☐	☐
11a Were any of the ESOP's securities acquisition loans refinanced during this reporting period?	☐	☐
b If line **11a** is "Yes," does the refinancing meet the requirements of Act section 1602 of SBJPA 1996?	☐	☐
If the employer maintaining the ESOP deducted dividends under Code section 404(k), answer the questions on lines 12 through 14, otherwise skip to line 15.		
12a Did the amount of the dividends paid exceed the employer's current or accumulated earnings and profits within the meaning of Code section 316?	☐	☐
b Is the amount paid a dividend under applicable state law?	☐	☐
13 If dividends deducted under Code section 404(k) were used to repay an exempt loan, were any dividends used to repay the loan generated by securities that were not acquired with the proceeds of the loan being repaid?	☐	☐
14 If the answer to line **13** is "Yes," were the dividends paid with respect to employer securities that satisfy the transition rules of Act section 7302(b)(2) of OBRA 1989?	☐	☐

15 Complete the following information for each class of stock owned by the ESOP:

(a) Class of stock	(b) Common stock (C) Preferred stock (P)	(c) Readily tradable* Yes (Y) No (N)

(d) Dividend rate during plan year**	%	**(e)** Dividends paid to participants***	.00
(f) Dividends used to repay exempt loan	**(1)** allocated stock .00	**(2)** unallocated stock	.00

1 3 9 9 0 0 0 2 1 P

Schedule E (Form 5500) 1999 Page 3

Official Use Only

(a) Class of stock

(b) Common stock (C) Preferred stock (P)

(c) Readily tradable* Yes (Y) No (N)

(d) Dividend rate during plan year** %

(e) Dividends paid to participants*** .00

(f) Dividends used to repay exempt loan

(1) allocated stock .00

(2) unallocated stock .00

(a) Class of stock

(b) Common stock (C) Preferred stock (P)

(c) Readily tradable* Yes (Y) No (N)

(d) Dividend rate during plan year** %

(e) Dividends paid to participants*** .00

(f) Dividends used to repay exempt loan

(1) allocated stock .00

(2) unallocated stock .00

(a) Class of stock

(b) Common stock (C) Preferred stock (P)

(c) Readily tradable* Yes (Y) No (N)

(d) Dividend rate during plan year** %

(e) Dividends paid to participants*** .00

(f) Dividends used to repay exempt loan

(1) allocated stock .00

(2) unallocated stock .00

Totals of dividends reported on Line 15(e) and (f) for all classes of stock. ▶

(e) Dividends paid to participants*** .00

(f) Dividends used to repay exempt loan

(1) allocated stock .00

(2) unallocated stock .00

* If the stock is readily tradable on an established securities market within the meaning of Code section 409(l), enter "Y," otherwise enter "N."

** Dividend rate paid for each class of stock during the plan year.

*** Dividend paid directly to or distributed to participants.

1 3 9 9 0 0 0 3 1 Q

SCHEDULE F (Form 5500)

Department of the Treasury
Internal Revenue Service

Fringe Benefit Plan Annual Information Return

Under Section 6039D of the Internal Revenue Code

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is NOT Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number**

1 Check the Internal Revenue Code section that describes this fringe benefit plan:

(a) ☐ 125 (Cafeteria plan) (b) ☐ 127 (Educational assistance program) (c) ☐ 137 (Adoption assistance program)

2 Enter the total number of employees of the employer .....

3 Enter the total number of employees eligible to participate in the plan .....

4 Enter the total number of employees participating in the plan. (See instructions.) .....

5 Enter the total cost of the fringe benefit plan for the plan year. (See instructions.) ... .00

6 Did the fringe benefit plan terminate in this plan year? (See instructions.) ..... ☐ Yes ☐ No

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 14687J **Schedule F (Form 5500) 1999**

1 5 9 9 0 0 0 1 1 Q

SCHEDULE G (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor
Pension and Welfare Benefits Administration

Financial Transaction Schedules

This schedule is required to be filed under section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Name of plan sponsor as shown on line 2a of Form 5500

D **Employer Identification Number** –

Part I **Schedule of Loans or Fixed Income Obligations in Default or Classified as Uncollectible**

(a) Party-in-interest

(b) Identity and address of obligor

Name

Street

City State Zip Code –

(c) Original amount of loan .00

Amount received during reporting year

(d) Principal .00

(e) Interest .00

(f) Unpaid balance at end of year .00

(g) Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral, any renegotiation of the loan and the terms of the renegotiation, and other material items

Amt. overdue (h) Principal .00

Amt. overdue (i) Interest .00

2 3 9 9 0 0 0 1 1 P

Schedule G (Form 5500) 1999 Page **2**

Official Use Only

(a) Party-in-interest ☐

(b) Identity and address of obligor

Name

Street

City State Zip Code –

(c) Original amount of loan .00

Amount received during reporting year

(d) Principal .00

(e) Interest .00

(f) Unpaid balance at end of year .00

(g) Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral, any renegotiation of the loan and the terms of the renegotiation, and other material items

Amt. overdue (h) Principal .00

Amt. overdue (i) Interest .00

(a) Party-in-interest ☐

(b) Identity and address of obligor

Name

Street

City State Zip Code –

(c) Original amount of loan .00

Amount received during reporting year

(d) Principal .00

(e) Interest .00

(f) Unpaid balance at end of year .00

(g) Detailed description of loan including dates of making and maturity, interest rate, the type and value of collateral, any renegotiation of the loan and the terms of the renegotiation, and other material items

Amt. overdue (h) Principal .00

Amt. overdue (i) Interest .00

2 3 9 9 0 0 0 2 1 Q

Schedule G (Form 5500) 1999 Page 3

Official Use Only

Part II Schedule of Leases In Default or Classified as Uncollectible

(a) Party-in-interest ☐

(b) Identity of lessor/lessee

(c) Relationship to plan, employer, employee organization or other party-in-interest

(d) Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)

(e) Original cost .00

(f) Current value at time of lease .00

(g) Gross rental receipts during the plan year .00

(h) Expenses paid during the plan year .00

(i) Net receipts .00

(j) Amount in arrears .00

(a) Party-in-interest ☐

(b) Identity of lessor/lessee

(c) Relationship to plan, employer, employee organization or other party-in-interest

(d) Terms and description (type of property, location and date it was purchased, terms regarding rent, taxes, insurance, repairs, expenses, renewal options, date property was leased)

(e) Original cost .00

(f) Current value at time of lease .00

(g) Gross rental receipts during the plan year .00

(h) Expenses paid during the plan year .00

(i) Net receipts .00

(j) Amount in arrears .00

2 3 9 9 0 0 0 3 1 R

Official Use Only

Part III **Nonexempt Transactions**

If a nonexempt prohibited transaction occured with respect to a disqualified person, file Form 5330 with the IRS to pay the excise tax on the transaction.

(a) Identity of party involved

(b) Relationship to plan, employer, or other party-in-interest

(c) Description to transactions including maturity date, rate of interest, collateral, par or maturity value

(d) Purchase price .00

(e) Selling price .00

(f) Lease rental .00

(g) Expenses incurred in connection with transaction .00

(h) Cost of asset .00

(i) Current value of asset .00

(j) Net gain or (loss) on each transaction .00

(a) Identity of party involved

(b) Relationship to plan, employer, or other party-in-interest

(c) Description to transactions including maturity date, rate of interest, collateral, par or maturity value

(d) Purchase price .00

(e) Selling price .00

(f) Lease rental .00

(g) Expenses incurred in connection with transaction .00

(h) Cost of asset .00

(i) Current value of asset .00

(j) Net gain or (loss) on each transaction .00

2 3 9 9 0 0 0 4 1 S

SCHEDULE H (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor Pension and Welfare Benefits Administration

Pension Benefit Guaranty Corporation

Financial Information

This schedule is required to be filed under Section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number**

Part I Asset and Liability Statement

1 Current value of plan assets and liabilities at the beginning and end of the plan year. Combine the value of plan assets held in more than one trust. Report the value of the plan's interest in a commingled fund containing the assets of more than one plan on a line-by-line basis unless the value is reportable on lines c(9) through c(14). Do not enter the value of that portion of an insurance contract which guarantees, during this plan year, to pay a specific dollar benefit at a future date. **Round off amounts to the nearest dollar.** DFEs do not complete lines 1b(1), 1b(2), 1c(8), 1g, 1h, 1i, and, except for master trust investment accounts, also do not complete lines 1d and 1e. See instructions.

Assets	(a) Beginning of Year	(b) End of Year
a Total noninterest-bearing cash	.00	.00
b Receivables (less allowance for doubtful accounts):		
(1) Employer contributions	.00	.00
(2) Participant contributions	.00	.00
(3) Other	.00	.00
c General investments:		
(1) Interest-bearing cash (including money market accounts and certificates of deposit)	.00	.00
(2) U.S. Government securities	.00	.00
(3) Corporate debt instruments (other than employer securities):		
(A) Preferred	.00	.00
(B) All other	.00	.00
(4) Corporate stocks (other than employer securities):		
(A) Preferred	.00	.00
(B) Common	.00	.00
(5) Partnership/joint venture interests	.00	.00

1 7 9 9 0 0 0 1 1 S

Schedule H (Form 5500) 1999 Page **2**

Official Use Only

	(a) Beginning of Year	(b) End of Year
(6) Real estate (other than employer real property)	.00	.00
(7) Loans (other than to participants)	.00	.00
(8) Participant loans	.00	.00
(9) Value of interest in common/collective trusts	.00	.00
(10) Value of interest in pooled separate accounts	.00	.00
(11) Value of interest in master trust investment accounts	.00	.00
(12) Value of interest in 103-12 investment entities	.00	.00
(13) Value of interest in registered investment companies (e.g., mutual funds)	.00	.00
(14) Value of funds held in insurance company general account (unallocated contracts)	.00	.00
(15) Other	.00	.00
d Employer-related investments:		
(1) Employer securities	.00	.00
(2) Employer real property	.00	.00
e Buildings and other property used in plan operation	.00	.00
f Total assets (add all amounts in lines 1a through 1e)	.00	.00
Liabilities		
g Benefit claims payable	.00	.00
h Operating payables	.00	.00
i Acquisition indebtedness	.00	.00
j Other liabilities	.00	.00
k Total liabilities (add all amounts in lines 1g through 1j)	.00	.00
Net Assets		
l Net assets (subtract line 1k from line 1f)	.00	.00

1 7 9 9 0 0 0 2 1 T

Official Use Only

Part II Income and Expenses Statement

2 Plan income, expenses, and changes in net assets for the year. Include all income and expenses of the plan, including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. Round off amounts to the nearest dollar. DFEs do not complete lines 2a, 2b(1)(E), 2e, 2f, and 2g.

Income

	(a) Amount	(b) Total
a Contributions:		
(1) Received or receivable in cash from:		
(A) Employers	.00	
(B) Participants	.00	
(C) Others (including rollovers)	.00	
(2) Noncash contributions	.00	
(3) Total contributions. Add lines 2a(1)(A), (B), (C), and line 2a(2)		.00
b Earnings on investments: (1) Interest:		
(A) Interest-bearing cash (including money market accounts and certificates of deposit)	.00	
(B) U.S. Government securities	.00	
(C) Corporate debt instruments	.00	
(D) Loans (other than to participants)	.00	
(E) Participant loans	.00	
(F) Other	.00	
(G) Total interest. Add lines 2b(1)(A) through (F)		.00
(2) Dividends:		
(A) Preferred stock	.00	
(B) Common stock	.00	
(C) Total dividends. Add lines 2b(2)(A) and (B)		.00
(3) Rents		.00
(4) Net gain (loss) on sale of assets:		
(A) Aggregate proceeds	.00	
(B) Aggregate carrying amount (see instructions)	.00	
(C) Subtract line 2b(4)(B) from line 2b(4)(A) and enter result		.00

1 7 9 9 0 0 0 3 1 U

Schedule H (Form 5500) 1999 Page **4**

Official Use Only

	(a) Amount	(b) Total
(5) Unrealized appreciation (depreciation) of assets:		
(A) Real estate	.00	
(B) Other	.00	
(C) Total unrealized appreciation of assets. Add lines **2b(5)(A)** and **(B)**		.00
(6) Net investment gain (loss) from common/collective trusts		.00
(7) Net investment gain (loss) from pooled separate accounts		.00
(8) Net investment gain (loss) from master trust investment accounts		.00
(9) Net investment gain (loss) from 103-12 investment entities		.00
(10) Net investment gain (loss) from registered investment companies (e.g., mutual funds)		.00
c Other income		.00
d Total income. Add all **income** amounts in column (b) and enter total		.00
Expenses		
e Benefit payment and payments to provide benefits:		
(1) Directly to participants or beneficiaries, including direct rollovers	.00	
(2) To insurance carriers for the provision of benefits	.00	
(3) Other	.00	
(4) Total benefit payments. Add lines **2e(1)** through **(3)**		.00
f Corrective distributions (see instructions)		.00
g Certain deemed distributions of participant loans (see instructions)		.00
h Interest expense		.00
i Administrative expenses:		
(1) Professional fees	.00	
(2) Contract administrator fees	.00	
(3) Investment advisory and management fees	.00	
(4) Other	.00	
(5) Total administrative expenses. Add lines **2i(1)** through **(4)**		.00
j Total expenses. Add all **expense** amounts in column (b) and enter total		.00

1 7 9 9 0 0 0 4 1 V

Schedule H (Form 5500) 1999 Page 5

Official Use Only

Net Income and Reconciliation

	(b) Total
2k Net income (loss) (subtract line 2j from line 2d)	.00
l Transfers of assets	
(1) To this plan	.00
(2) From this plan	.00

Part III Accountant's Opinion

3 The opinion of an independent qualified public accountant for this plan is (see instructions):

a **Attached** to this Form 5500 and the opinion is: (1) ☐ Unqualified (3) ☐ Disclaimer

(2) ☐ Qualified (4) ☐ Adverse

b **Not attached** because: (1) ☐ the Form 5500 is filed for a CCT, PSA, or MTIA.

(2) ☐ the opinion will be attached to the next Form 5500 pursuant to 29 CFR 2520.104-50.

c Check this box if the accountant performed a limited scope audit pursuant to 29 CFR 2520.103-8 and/or 2520.103-12(d) ☐

d If an accountant's opinion is attached, enter the name and EIN of the accountant (or accounting firm)

Name

▶

EIN -

Part IV Transactions During Plan Year

4 CCTs and PSAs do not complete Part IV. MTIAs, 103-12 IEs, and GIAs do not complete 4a, 4e, 4f, 4g, 4h, 4k, or 5. 103-12 IEs also do not complete 4j.

During the plan year:	Yes	No	Amount
a Did the employer fail to transmit to the plan any participant contributions within the maximum time period described in 29 CFR 2510.3-102? (see instructions)	☐	☐	.00
b Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by the participant's account balance. (Attach Schedule G (Form 5500) Part I if "Yes" is checked)	☐	☐	.00
c Were any leases to which the plan was a party in default or classified during the year as uncollectible? (Attach Schedule G (Form 5500) Part II if "Yes" is checked)	☐	☐	.00
d Did the plan engage in any nonexempt transaction with any party-in-interest? (Attach Schedule G (Form 5500) Part III if "Yes" is checked)	☐	☐	.00
e Was this plan covered by a fidelity bond?	☐	☐	.00

1 7 9 9 0 0 0 5 1 W

Schedule H (Form 5500) 1999 Page **6**

Official Use Only

	Yes	No	Amount
f Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?	☐	☐	.00
g Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?	☐	☐	.00
h Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?	☐	☐	.00
I Did the plan have assets held for investment? (Attach schedule(s) of assets if **"Yes"** is checked, and see instructions for format requirements)	☐	☐	
J Were any plan transactions or series of transactions in excess of 5% of the current value of plan assets? (Attach schedule of transactions if **"Yes"** is checked and see instructions for format requirements)	☐	☐	
k Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?	☐	☐	
5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? If yes, enter the amount of any plan assets that reverted to the employer this year	☐	☐	.00

5b If, during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions).

5b(1) Name of plan

5b(2) EIN -- **5b(3)** PN

5b(1) Name of plan

5b(2) EIN -- **5b(3)** PN

5b(1) Name of plan

5b(2) EIN -- **5b(3)** PN

5b(1) Name of plan

5b(2) EIN -- **5b(3)** PN

1 7 9 9 0 0 0 6 1 X

SCHEDULE I (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor Pension and Welfare Benefits Administration

Pension Benefit Guaranty Corporation

Financial Information -- Small Plan

This schedule is required to be filed under Section 104 of the Employee Retirement Income Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number**

Complete Schedule I if the plan covered fewer than 100 participants as of the beginning of the plan year. You may also complete Schedule I if you are filing as a small plan under the 80-120 participant rule (see instructions). Complete Schedule H if reporting as a large plan or DFE.

Part I Small Plan Financial Information

Report below the current value of assets and liabilities, income, expenses, transfers and changes in net assets during the plan year. Combine the value of plan assets held in more than one trust. Do not enter the value of the portion of an insurance contract that guarantees during this plan year to pay a specific dollar benefit at a future date. Include all income and expenses of the plan including any trust(s) or separately maintained fund(s) and any payments/receipts to/from insurance carriers. **Round off amounts to the nearest dollar.**

1 Plan Assets and Liabilities:	**(a)** Beginning of Year	**(b)** End of Year
a Total plan assets	.00	.00
b Total plan liabilities	.00	.00
c Net plan asssets (subtract line 1b from line 1a)	.00	.00

2 Income, Expenses, and Transfers for this Plan Year:	**(a)** Amount
a Contributions received or receivable	
(1) Employers	.00
(2) Participants	.00
(3) Others (including rollovers)	.00
b Noncash contributions	.00
c Other income	.00
	(b) Total
d Total income (add lines 2a(1), 2a(2), 2a(3), 2b, and 2c)	.00

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 24414Y **Schedule I (Form 5500) 1999**

1 9 9 9 0 0 0 1 1 U

Schedule I (Form 5500) 1999 Page **2**

Official Use Only

	(a) Amount
2e Benefits paid (including direct rollovers)	.00
f Corrective distributions (see instructions)	.00
g Certain deemed distributions of participant loans (see instructions)	.00
h Other expenses	.00

	(b) Total
i Total expenses (add lines 2e, 2f, 2g, and 2h)	.00
j Net income (loss) (subtract line 2i from line 2d)	.00
k Net transfers	.00

3 **Specific Assets:** If the plan held any assets in one or more of the following specific categories, check yes and enter the current value as of the end of the plan year. Allocate the value of the plan's interest in a commingled trust containing the assets of more than one plan on a line-by-line basis unless the trust meets one of the specific exceptions described in the instructions.

	Yes	No	Amount
a Partnership/joint venture interests			.00
b Employer real property			.00
c Real estate (other than employer real property)			.00
d Employer securities			.00
e Participant loans			.00
f Loans (other than to participants)			.00
g Tangible personal property			.00

Part II Transactions During Plan Year

4 During the plan year:	Yes	No	Amount
a Did the employer fail to transmit to the plan any participant contributions within the maximum time period described in 29 CFR 2510.3-102? (See instructions)			.00
b Were any loans by the plan or fixed income obligations due the plan in default as of the close of the plan year or classified during the year as uncollectible? Disregard participant loans secured by the participants' account balance			.00
c Were any leases to which the plan was a party in default or classified during the year as uncollectible?			.00

1 9 9 9 0 0 0 2 1 V

Schedule I (Form 5500) 1999 Page 3

Official Use Only

	Yes	No	Amount
d Did the plan engage in any nonexempt transaction with any party-in-interest?	☐	☐	.00
e Was the plan covered by a fidelity bond?	☐	☐	.00
f Did the plan have a loss, whether or not reimbursed by the plan's fidelity bond, that was caused by fraud or dishonesty?	☐	☐	.00
g Did the plan hold any assets whose current value was neither readily determinable on an established market nor set by an independent third party appraiser?	☐	☐	.00
h Did the plan receive any noncash contributions whose value was neither readily determinable on an established market nor set by an independent third party appraiser?	☐	☐	.00
i Did the plan at any time hold 20% or more of its assets in any single security, debt, mortgage, parcel of real estate, or partnership/joint venture interest?	☐	☐	.00
j Were all the plan assets either distributed to participants or beneficiaries, transferred to another plan, or brought under the control of the PBGC?	☐	☐	

	Yes	No	Amount
5a Has a resolution to terminate the plan been adopted during the plan year or any prior plan year? If yes, enter the amount of any plan assets that reverted to the employer this year	☐	☐	.00

5b If during this plan year, any assets or liabilities were transferred from this plan to another plan(s), identify the plan(s) to which assets or liabilities were transferred. (See instructions.)

5b(1) Name of plan

5b(2) EIN - 5b(3) PN

5b(1) Name of plan

5b(2) EIN - 5b(3) PN

5b(1) Name of plan

5b(2) EIN - 5b(3) PN

5b(1) Name of plan

5b(2) EIN - 5b(3) PN

1 9 9 9 0 0 0 3 1 W

SCHEDULE P (Form 5500)

Department of the Treasury
Internal Revenue Service

Annual Return of Fiduciary of Employee Benefit Trust

This schedule may be filed to satisfy the requirements under section 6033(a) for an annual information return from every section 401(a) organization exempt from tax under section 501(a).

Filing this form will start the running of the statute of limitations under section 6501(a) for any trust described in section 401(a) that is exempt from tax under section 501(a).

▶ **File as an attachment to Form 5500 or 5500-EZ.**

Official Use Only
OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For trust calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

Please type or print

1a Name of trustee or custodian

b Number, street, and room or suite no. (If a P.O. box, see the instructions for Form 5500 or 5500-EZ.)

c City or town State ZIP code

2a Name of trust

b Trust's employer identification number

3 Name of plan if different from the name of trust

4 Have you furnished the participating employee benefit plan(s) with the trust financial information required to be reported by the plan(s)? ☐ Yes ☐ No

5 Enter the plan sponsor's employer identification number as shown on Form 5500 or 5500-EZ ... ▶

Under penalties of perjury, I declare that I have examined this schedule, and to the best of my knowledge and belief it is true, correct, and complete.

Signature of fiduciary

▶ _____ **Date** ▶ MM / DD / YYYY

For the Paperwork Reduction Notice and OMB Control Nos., see the inst. for Form 5500 or 5500-EZ. Cat. No. 13504X **Schedule P (Form 5500) 1999**

2 5 9 9 0 0 0 1 1 R

SCHEDULE R (Form 5500)

Department of the Treasury
Internal Revenue Service

Department of Labor Pension and Welfare Benefits Administration
Pension Benefit Guaranty Corporation

Retirement Plan Information

This schedule is required to be filed under sections 104 and 4065 of the Employee Retirement Security Act of 1974 (ERISA) and section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an Attachment to Form 5500.**

Official Use Only

OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number** -

Part I Distributions

All references to distributions relate only to payments of benefits during the plan year.

1 Total value of distributions paid in property other than in cash, annuity contracts, or publicly traded employer securities ..... .00

2 Enter the EIN(s) of payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the year (if more than two, enter EINs of the two payors who paid the greatest dollar amounts of benefits). ..... - -

Profit-sharing plans, ESOPs, and stock bonus plans, skip line 3.

3 Number of participants (living or deceased) whose benefits were distributed in a single sum, during the plan year .....

Part II Funding Information (If the plan is not subject to the minimum funding requirements of section 412 of the Internal Revenue Code or ERISA section 302, skip this Part)

4 Is the plan administrator making an election under Code section 412(c)(8) or ERISA section 302(c)(8)? ..... ☐ Yes ☐ No ☐ N/A

If the plan is a defined benefit plan, go to line 7.

5 If a waiver of the minimum funding standard for a prior year is being amortized in this plan year, see instructions, and enter the date of the ruling letter granting the waiver. ..... ▶ MM / DD / YYYY

If you completed line 5, complete lines 3, 9, and 10 of Schedule B and do not complete the remainder of this schedule.

6a Enter the minimum required contribution for this plan year ..... .00

b Enter the amount contributed by the employer to the plan for this plan year ..... .00

c Subtract the amount in line 6b from the amount in line 6a. Enter the result (enter a minus sign to the left of a negative amount.) ..... .00

If you completed line 6c, do not complete the remainder of this schedule.

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 24419B **Schedule R (Form 5500) 1999**

2 1 9 9 0 0 0 1 1 N

Schedule R (Form 5500) 1999 Page **2**

Official Use Only

7 If a change in actuarial cost method was made for this plan year pursuant to a revenue procedure providing automatic approval for the change, does the plan sponsor or plan administrator agree with the change? ☐ Yes ☐ No ☐ N/A

Do not complete line 8, if the plan is a multiemployer plan or a plan with 100 or fewer participants during the prior plan year (see instructions).

8 Is the employer electing to compute minimum funding for this plan year using the transitional rule provided in Code section 412(l)(11) and ERISA section 302(d)(11)? ☐ Yes ☐ No ☐ N/A

Part III Amendments

9 If this is a defined benefit pension plan, were any amendments adopted during this plan year that increased the value of benefits? (see instructions) ☐ Yes ☐ No

2 1 9 9 0 0 0 2 1 0

SCHEDULE SSA (Form 5500)

Department of the Treasury
Internal Revenue Service

Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits

Under Section 6057(a) of the Internal Revenue Code

▶ **File as an attachment to Form 5500.**

▶ **For Paperwork Reduction Act Notice, see page 1 of the instructions for Form 5500**

Official Use Only

OMB No. 1210-0110

1999

This Form is NOT Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

C Plan sponsor's name as shown on line 2a of Form 5500

B Three-digit plan number ▶

D **Employer Identification Number** -

1 ☐ Check here if additional participants are shown on attachments. All attachments must include the sponsor's name, EIN, name of plan, plan number, and column identification letter for each column completed for line 4.

☐ Check here if plan is a government, church or other plan that elects to voluntarily file Schedule SSA. If so, complete lines 2 through 3c, and the signature area. Otherwise, complete the signature area only.

2 Plan sponsor's address (number, street, and room or suite no.) (If a P.O. box, see the instructions for line 2.)

City or town | State | ZIP code -

3a Name of plan administrator (if other than sponsor)

3b Administrator's EIN -

3c Number, street, and room or suite no. (If a P.O. box, see the instructions for line 2.)

City or town | State | ZIP code -

Under penalties of perjury, I declare that I have examined this report, and to the best of my knowledge and belief, it is true, correct, and complete.

Signature of plan administrator

▶ _____

Phone number of plan administrator ▶ - -

Date ▶ MM / DD / YYYY

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 13506T **Schedule SSA (Form 5500) 1999**

2 9 9 9 0 0 0 1 1 V

Schedule SSA (Form 5500) 1999 Page **2**

Official Use Only

4 Enter one of the following Entry Codes in column (a) for each separated participant with deferred vested benefits that:
Code A – has not previously been reported.
Code B – has previously been reported under the above plan number but requires revisions to the information previously reported.
Code C – has previously been reported under *another* plan number but will be receiving their benefits from the plan listed above instead.
Code D – has previously been reported under the above plan number but is no longer entitled to those deferred vested benefits.

Use with entry code "A", "B", "C", or "D"

(a) Entry code

(b) Social security number

(c) Name of participant

Use with entry code "A" or "B"

Enter code for nature and form of benefit		Amount of vested benefit		
			Defined contribution plan	
(d) Type of annuity	(e) Payment frequency	(f) Defined benefit plan -- periodic payment	(g) Units or shares	Share indicator
			(h) Total value of account	

Use with entry code "C"

(I) Previous sponsor's employer identification number

(j) Previous plan number

Use with entry code "A", "B", "C", or "D"

(a) Entry code

(b) Social security number

(c) Name of participant

Use with entry code "A" or "B"

Enter code for nature and form of benefit		Amount of vested benefit		
			Defined contribution plan	
(d) Type of annuity	(e) Payment frequency	(f) Defined benefit plan -- periodic payment	(g) Units or shares	Share indicator
			(h) Total value of account	

Use with entry code "C"

(I) Previous sponsor's employer identification number

(j) Previous plan number

2 9 9 9 0 0 0 2 1 W

SCHEDULE T (Form 5500)

Department of the Treasury
Internal Revenue Service

Qualified Pension Plan Coverage Information

This form is required to be filed under section 6058(a) of the Internal Revenue Code (the Code).

▶ **File as an attachment to Form 5500.**

Official Use Only
OMB No. 1210-0110

1999

This Form is Open to Public Inspection.

For the calendar year 1999 or fiscal plan year beginning MM / DD / YYYY **, and ending** MM / DD / YYYY

A Name of plan

B Three-digit plan number ▶

C Plan sponsor's name as shown on line 2a of Form 5500

D **Employer Identification Number** -

Note: *If the plan is maintained by:*

- More than one employer and benefits employees who are not collectively-bargained employees, a separate Schedule T may be required for each employer (see the instruction for line 1).
- An employer that operates qualified separate lines of business (QSLOBs) under Code section 414(r), a separate Schedule T may be required for each QSLOB (see the instruction for line 2).

1 If this schedule is being filed to provide coverage information regarding the noncollectively bargained employees of an employer participating in a plan maintained by more than one employer, enter the name and EIN of the participating employer:

1a Name of participating employer

1b **Employer identification number** -

2 If the employer maintaining the plan operates QSLOBs, enter the following information:

a The number of QSLOBs that the employer operates is .....

b The number of such QSLOBs that have employees benefiting under this plan is .....

c Does the employer apply the minimum coverage requirements to this plan on an employer-wide rather than a QSLOB basis? ..... ☐ Yes ☐ No

d If the entry on line 2b is two or more and line 2c is "No," identify the QSLOB to which the coverage information given on line 3 or 4 relates.

▶

3 Exceptions—Check the box before each statement that describes the plan or the employer.
If you check any box, do not complete the rest of this Schedule.

a ☐ The employer employs only highly compensated employees (HCEs).

b ☐ No HCEs benefited under the plan at anytime during the plan year.

c ☐ The plan benefits only collectively-bargained employees.

d ☐ The plan benefits all nonexcludable nonhighly compensated employees of the employer (as defined in Code sections 414(b), (c), and (m)), including leased employees and self-employed individuals.

e ☐ The plan is treated as satisfying the minimum coverage requirements under Code section 410(b)(6)(C).

For Paperwork Reduction Act Notice and OMB Control Numbers, see the instructions for Form 5500. Cat. No. 22770R **Schedule T (Form 5500) 1999**

2 7 9 9 0 0 0 1 1 T

Schedule T (Form 5500) 1999 Page **2**

Official Use Only

4 Enter the date the plan year began for which coverage data is being submitted ..... MM / DD / YYYY

a Did any leased employees perform services for the employer at any time during the plan year? ..... ☐ Yes ☐ No

b In testing whether the plan satisfies the coverage and nondiscrimination tests of Code sections 410(b) and 401(a)(4), does the employer aggregate plans? ..... ☐ Yes ☐ No

c Complete the following:

(1) Total number of employees of the employer (as defined in Code section 414(b), (c), and (m)), including leased employees and self-employed individuals .....

(2) Number of excludable employees as defined in IRS regulations (see instructions) .....

(3) Number of nonexcludable employees. (Subtract line 4c(2) from line 4c(1)) .....

(4) Number of nonexcludable employees (line 4c(3)) who are HCEs .....

(5) Number of nonexcludable employees (line 4c(3)) who benefit under the plan .....

(6) Number of benefiting nonexcludable employees (line 4c(5)) who are HCEs .....

d Enter the plan's ratio percentage and, if applicable, identify below the disaggregated part of the plan to which the information on lines 4c and 4d pertains (see instructions) ..... %

▶

e Identify any disaggregated part of the plan and enter its ratio percentage:

(1) Disaggregated part: Ratio Percentage: %

(2) Disaggregated part: Ratio Percentage: %

(3) Disaggregated part: Ratio Percentage: %

f This plan satisfies the coverage requirements on the basis of (check one):

(1) ☐ the ratio percentage test (2) ☐ average benefit test

2 7 9 9 0 0 0 2 1 U

Department of the Treasury
Internal Revenue Service

Department of Labor
Pension and Welfare
Benefits Administration

Pension Benefit
Guaranty Corporation

1999
Instructions for Form 5500
Annual Return/Report of Employee Benefit Plan

Code references are to the Internal Revenue Code.
ERISA refers to the Employee Retirement Income Security Act of 1974.

Changes To Note for 1999

- **New Streamlined Form 5500:**

This year's Form 5500 Series has been substantially revised and improved. We replaced the Form 5500, Form 5500-C, and Form 5500-R with *one* Form 5500 intended to streamline the report and the methods by which it is filed and processed. The revised form is patterned along the lines of tax returns familiar to individual and corporate taxpayers – a simple main form with basic identifying information and a checklist that guides each filer to more detailed schedules that are applicable to the filer's specific type of plan.

- **EFAST Processing System:**

There are several important changes that will benefit filers in particular. We developed a new computerized system to process Form 5500 return/reports called the ERISA Filing Acceptance System or "EFAST." For the first time you will file your Form 5500 with the U.S. Department of Labor's Pension and Welfare Benefits Administration **(PWBA)** rather than the Internal Revenue Service (see **Where To File** on page 5 for the new mailing and private delivery addresses).

You can choose a "machine print" format using computer software to complete the form. Machine print forms can be filed electronically or by mail (including certain private delivery services). We encourage filers to file machine print versions of the form and think most of you will find that to be the best option. For instance, the machine print forms can be easily printed out on computer printers and the computer software should help filers avoid common mistakes. Electronic filers will have to file a new EFAST form to get a digital signature and other codes needed to file an electronic return/report. Check the Department of Labor's Web Page at **www.efast.dol.gov** periodically, beginning in late March, 2000 for updates.

You can also use a "hand print" format that is completed by hand or typewriter. However, the hand print format can be filed only by mail (including certain private delivery services). The hand print version of the form is a "machine readable" form. As such, it must be printed using special paper, special green ink, and within precise specifications. Filers should not substitute a black and white or other reproduction of these hand print forms. A copy of the hand print forms is included in the **Package 5500**. You can get additional copies of the green ink forms 24 hours a day, 7 days a week, by calling **1-800-TAX-FORM** (1-800-829-3676).

- **Direct Filing Entities:**

All Direct Filing Entities (DFEs) must now use the Form 5500; however, a one-time **1999 Transition Rule** permits all DFEs with a fiscal year ending in 1999 to file on or before October 16, 2000 (see **When To File** on page 4).

Large plans participating in Common/Collective Trusts (CCTs) or Pooled Separate Accounts (PSAs) that are not DFEs (those that do not file a Form 5500) will have to allocate the underlying assets of such CCTs and PSAs and report the value on a line-by-line basis on the Schedule H (Form 5500) (see Schedule H, **Specific Instructions**). However, under a **1999 Transition Rule**, this requirement is deferred until plan years beginning in 2000.

About the Form 5500

The Annual Return/Report Form 5500 is used to report information concerning employee benefit plans, Direct Filing Entities (DFEs) and fringe benefit plans. See **Who Must File** on page 2, and **When To File** and **Where To File** on pages 4 and 5.

Any administrator or sponsor of an employee benefit plan subject to ERISA must file information about each plan every year (Code section 6058 and ERISA sections 104 and 4065). Every employer maintaining a specified fringe benefit plan as described in Code section 6039D (except Code sections 79, 105, 106, 120, and 129 plans) is also required to file each year.

The Internal Revenue Service (IRS), Department of Labor (DOL), and Pension Benefit Guaranty Corporation (PBGC) have consolidated their returns and report forms to minimize the filing burden for plan administrators and employers. The chart on pages 8 and 9 gives a brief guide to the annual return/report requirements for the 1999 Form 5500. Employers and administrators who comply with the instructions for the Form 5500 and schedules will generally satisfy the annual reporting requirements for the IRS and DOL. Plans covered by the PBGC have special additional requirements, including filing Annual Premium Payment (PBGC Form 1) and reporting certain transactions directly with that agency. See PBGC's Premium Package (Form 1).

Each Form 5500 must accurately reflect the characteristics and operations of the plan or arrangement being reported. The requirements for completing the Form 5500 vary according to the type of plan or arrangement. The section **Lines and Schedules To Complete** on page 6, summarizes what information must be reported for different types of plans and arrangements.

The Form 5500 and attachments are screened by a computer process for completeness. The filing may be rejected based upon this review. We urge all employers and plan administrators to provide complete and accurate information and otherwise comply fully with the filing requirements.

ERISA and the Code provide for the assessment or imposition of penalties for not submitting the required information when due. See **Penalties** on page 5.

Annual reports filed under Title I of ERISA must be made available by plan administrators to plan participants and by the Department of Labor to the public pursuant to ERISA sections 104 and 106.

Table of Contents

Contents **Page**

Section 1: About the Form 5500

Who Must File 2
Pension Benefit Plan 2
Welfare Benefit Plan 3
Fringe Benefit Plan 3
Pension and Welfare Plans Excluded From Filing 3
Direct Filing Entity (DFE) 4

Contents **Page**

When To File . . . 4
Private Delivery Service . . . 4
Extension of Time to File . . . 5
Where To File . . . 5
Electronic Filing . . . 5
Paper Filing . . . 5
Penalties . . . 5
Administrative Penalties . . . 5
Other Penalties . . . 5
Final Return/Report . . . 6
Signature and Date . . . 6
Change in Plan Year . . . 6
Amended Return/Report . . . 6
Section 2: Lines and Schedules To Complete
Pension Benefit Plan . . . 6
Limited Pension Plan Reporting . . . 7
Welfare Benefit Plan . . . 7
Fringe Benefit Plan . . . 8
Welfare Benefit Plan and Fringe Benefit Plan Filing Together 8
Direct Filing Entity (DFE) . . . 8
Quick Reference Chart of Form 5500, Schedules and Attachments . . . 8 & 9
Section 3: Line-By-Line Instructions
Part I – Annual Report Identification Information . . . 10
Part II – Basic Plan Information . . . 11
List of Plan Characteristics Codes for Lines 8a and 8b . . 13
Form 5500 Schedules . . . 15
ERISA Compliance Quick Checklist . . . 16
Codes for Principal Business Activity . . . 17, 18 & 19
Instructions for the Individual Schedules
Schedule A . . . 20
Schedule B . . . 22
Schedule C . . . 30
Schedule D . . . 32
Schedule E . . . 34
Schedule F . . . 35
Schedule G . . . 36
Schedule H . . . 38
Schedule I . . . 45
Schedule P . . . 49
Schedule R . . . 50
Schedule SSA . . . 52
Schedule T . . . 54
Paperwork Reduction Act Notice . . . 57
Index . . . 58

Telephone Assistance

If you have questions and/or need help completing this form, please call **1-877-829-5500**. This line has been established by the IRS to assist filers with certain questions pertaining to retirement plans (e.g., pension and profit-sharing plans (including 401(k) plans)), including questions on Schedules B, E, F, H, I, P, R, SSA, and T. This toll-free telephone service is available Monday through Friday from 8:00 a.m. to 9:30 p.m. EST.

How To Get IRS Forms and Publications

Personal Computer
You can access the IRS's Internet Web Site 24 hours a day, 7 days a week at **www.irs.gov** to:

- Download forms, instructions, and publications.
- See answers to frequently asked tax questions.
- Search publications on-line by topic or keyword.
- Send us comments or request help by e-mail.
- Sign up to receive local and national tax news by e-mail.

You can also reach us using file transfer protocol at **ftp.irs.gov**

By phone and in person.
You can order forms and publications 24 hours a day, 7 days a week, by calling **1-800-TAX-FORM** (1-800-829-3676). You can also get most forms and publications at your local IRS office.

General Instructions

Section 1: Who Must File

A return/report must be filed every year for every pension benefit plan, welfare benefit plan, fringe benefit plan, and Direct Filing Entity described below. (Code sections 6058, 6039D, and ERISA sections 104 and 4065).

Pension Benefit Plan

All pension benefit plans covered by ERISA are required to file a Form 5500 except as provided in **Pension and Welfare Plans Excluded From Filing** on page 3. The return/report is due whether or not the plan is qualified and even if benefits no longer accrue, contributions were not made this plan year, or contributions are no longer made. Pension benefit plans required to file include both defined benefit plans and defined contribution plans.

The following are among the pension benefit plans for which a return/report must be filed:

1. Profit-sharing, stock bonus, money purchase, 401(k) plans, etc.

2. Annuity arrangements under Code section 403(b)(1).

3. Custodial accounts established under Code section 403(b)(7) for regulated investment company stock.

4. Individual retirement accounts (IRAs) established by an employer under Code section 408(c).

5. Pension benefit plans maintained outside the United States primarily for nonresident aliens if the employer who maintains the plan is:

- a domestic employer, or
- a foreign employer with income derived from sources within the United States (including foreign subsidiaries of domestic employers) if contributions to the plan are deducted on its U.S. income tax return. For this type of plan, enter 3A on Form 5500, Part II, line 8a.

6. Church pension plans electing coverage under Code section 410(d). Church plans that elect should enter 813000 as the business code on Form 5500, Part II, line 2d.

7. Pension benefit plans that cover residents of Puerto Rico, the U.S. Virgin Islands, Guam, Wake Island, or American Samoa. This includes a plan that elects to have the provisions of section 1022(i)(2) of ERISA apply.

8. Plans that satisfy the Actual Deferral Percentage requirements of Code section 401(k)(3)(A)(ii) by adopting the "SIMPLE" provisions of section 401(k)(11).

See **Lines and Schedules To Complete** on page 6 and **Pension and Welfare Plans Excluded From Filing** on page 3 for more information about what must be completed for pension and welfare plans.

Special Rules for Certain Plans of Partnerships and Wholly Owned Trades or Businesses

A plan that provides deferred compensation solely for **(1)** an individual or an individual and his or her spouse who wholly own a trade or business, whether incorporated or unincorporated; or **(2)** partners or the partners and the partners' spouses in a partnership may generally file **Form 5500-EZ**, Annual Return of One-Participant (Owners and Their Spouses) Retirement Plan, rather than a Form 5500, provided that the plan:

1. Satisfies the minimum coverage requirements of Code section 410(b) without being combined with any other plan maintained by the employer;

2. Does not cover a business that is a member of a "controlled group"; or

3. Does not cover a business for which leased employees (as defined in Code section 414(n)(2)) perform services.

A plan that meets all of the above conditions is exempt from filing the Form 5500-EZ if the plan (and any other plans of the employer) had total assets of $100,000 or less at the end of every plan year beginning on or after 1/1/94.

For this purpose, a "controlled group" is a controlled group of corporations under Code section 414(b), a group of trades or businesses under common control under Code section 414(c), or an affiliated service group under Code section 414(m) that includes the business of the owner or partner covered by the plan.

Welfare Benefit Plan

All welfare benefit plans covered by ERISA are required to file a Form 5500 except as provided below in **Pension and Welfare Plans Excluded From Filing**. Welfare benefit plans provide benefits such as medical, dental, life insurance, apprenticeship and training, scholarship funds, severance pay, disability, etc.

See **Lines and Schedules To Complete** on page 6 for more information.

Reminder: *The administrator of an employee welfare benefit plan that provides benefits wholly or partially through a Multiple Employer Welfare Arrangement (MEWA) as defined in ERISA section 3(40) must file a Form 5500, unless otherwise exempt.*

Fringe Benefit Plan

Cafeteria plans described in Code section 125, educational assistance programs described in Code section 127, and adoption assistance programs described in Code section 137 are considered fringe benefit plans and are required to file the annual information specified by Code section 6039D. However, Code section 127 educational assistance programs that provide only job-related training which is deductible as an ordinary and necessary business expense under Code section 162 do not need to file Form 5500.

Note: *Fringe benefit plans often are associated with one or more welfare plans. A single Form 5500 may be filed for the fringe benefit plan and an associated welfare plan if all the required information is completed for both plans.*

See **Lines and Schedules To Complete** on page 6 for more information about what must be completed for fringe benefit plans.

Pension and Welfare Plans Excluded From Filing

Do Not File A Form 5500 For A Pension Benefit Plan That Is Any Of The Following:

- An unfunded excess benefit plan. See ERISA section 4(b)(5).
- An annuity or custodial account arrangement under Code section 403(b)(1) or (7) not established or maintained by an employer as described in 29 CFR 2510.3-2(f).
- A Savings Incentive Match Plan for Employees of Small Employers (SIMPLE) that involves SIMPLE IRAs under Code section 408(p).
- A simplified employee pension (SEP) or a salary reduction SEP described in Code section 408(k) that conforms to the alternative method of compliance in 29 CFR 2520.104-48 or 2520.104-49.
- A church plan not electing coverage under Code section 410(d).
- A pension plan that is a qualified foreign plan within the meaning of Code section 404A(e) that does not qualify for the treatment provided in Code section 402(e)(5).
- An unfunded pension plan for a select group of management or highly compensated employees that meets the requirements of 29 CFR 2520.104-23, including timely filing of a registration statement with the DOL.
- An unfunded dues financed pension benefit plan that meets the alternative method of compliance provided by 29 CFR 2520.104-27.
- An individual retirement account or annuity not considered a pension plan under 29 CFR 2510.3-2(d).
- A governmental plan.

Do Not File A Form 5500 For A Welfare Benefit Plan That is Any Of The Following:

CAUTION *The exemptions below do not apply to fringe benefit plans. A Form 5500 for a fringe benefit plan must be filed under Code section 6039D even if it is associated with a welfare benefit plan that is exempt from filing under one of the categories below.*

1. A welfare benefit plan that covered fewer than 100 participants as of the beginning of the plan year and is unfunded, fully insured, or a combination of insured and unfunded.

a. An *unfunded welfare benefit plan* has its benefits paid as needed directly from the general assets of the employer or employee organization that sponsors the plan.

Note: *Plans that are NOT unfunded include those plans that received employee (or former employee) contributions during the plan year and/or used a trust or separately maintained fund (including a Code section 501(c)(9) trust) to hold plan assets or act as a conduit for the transfer of plan assets during the year. However, a welfare plan with employee contributions that is associated with a fringe benefit plan under Code section 125 may be treated for annual reporting purposes as an unfunded welfare plan if it meets the requirements of DOL Technical Release 92-01, 57 Fed. Reg. 23272 (June 2, 1992).*

b. A *fully insured welfare benefit plan* has its benefits provided exclusively through insurance contracts or policies, the premiums of which must be paid directly to the insurance carrier by the employer or employee organization from its general assets or partly from its general assets and partly from contributions by its employees or members (which the employer or employee organization forwards within 3 months of receipt). The insurance contracts or policies discussed above must be issued by an insurance company or similar organization (such as Blue Cross, Blue Shield or a health maintenance organization) that is qualified to do business in any state.

c. A *combination unfunded/insured welfare plan* has its benefits provided partially as an unfunded plan and partially as a fully insured plan. An example of such a plan is a welfare benefit plan that provides medical benefits as in **a** above and life insurance benefits as in **b** above.

See 29 CFR 2520.104-20.

Note: *A "voluntary employees' beneficiary association," as used in Code section 501(c)(9) ("VEBA"), should not be confused with the employer or employee organization that sponsors the plan. See ERISA section 3(4).*

2. A welfare benefit plan maintained outside the United States primarily for persons substantially all of whom are nonresident aliens.

3. A governmental plan.

4. An unfunded or insured welfare plan for a select group of management or highly compensated employees which meets the requirements of 29 CFR 2520.104-24.

5. An employee benefit plan maintained only to comply with workers' compensation, unemployment compensation, or disability insurance laws.

6. A welfare benefit plan that participates in a group insurance arrangement that files a Form 5500 on behalf of the

welfare benefit plan as specified in 29 CFR 2520.103-2. See 29 CFR 2520.104-43.

7. An apprenticeship or training plan meeting all of the conditions specified in 29 CFR 2520.104-22.

8. An unfunded dues financed welfare benefit plan exempted by 29 CFR 2520.104-26.

9. A church plan under ERISA section 3(33).

10. A welfare benefit plan solely for **(1)** an individual or an individual and his or her spouse, who wholly owns a trade or business, whether incorporated or unincorporated; or **(2)** partners or the partners and the partners' spouses in a partnership. See 29 CFR 2510.3-3(b).

Direct Filing Entity (DFE)

Some plans participate in certain trusts, accounts, and other investment arrangements that may file a Form 5500 as Direct Filing Entities (DFEs). These trusts, accounts, and arrangements include master trust investment accounts (MTIAs), common or collective trusts (CCTs), pooled separate accounts (PSAs), 103-12 investment entities (103-12 IEs), and group insurance arrangements (GIAs). For reporting purposes, an MTIA, CCT, PSA, 103-12 IE, or GIA is considered a DFE only when a Form 5500 and all required attachments are filed for it in accordance with the DFE instructions. The filing requirements for DFEs are described in **Lines and Schedules to Complete** on page 6 and in the instructions to the Schedule D.

Note: *Special requirements also apply to Schedules D and H attached to the Form 5500 filed by plans participating in MTIAs, CCTs, PSAs, and 103-12 IEs. See the instructions for these schedules.*

Common/Collective Trust (CCT) and Pooled Separate Account (PSA): A Form 5500 is not required to be filed for a CCT or PSA.

For reporting purposes, "common/collective trust" and "pooled separate account" are, respectively: **(1)** a trust maintained by a bank, trust company, or similar institution or **(2)** an account maintained by an insurance carrier, which are regulated, supervised, and subject to periodic examination by a state or Federal agency in the case of a CCT, or by a state agency in the case of a PSA, for the collective investment and reinvestment of assets contributed thereto from employee benefit plans maintained by more than one employer or controlled group of corporations as that term is used in Code section 1563. See 29 CFR 2520.103-3, 103-4, 103-5, and 103-9.

Note: *For reporting purposes, a separate account that is not considered to be holding plan assets pursuant to 29 CFR 2510.3-101(h)(1)(iii) does not constitute a pooled separate account.*

Master Trust Investment Account (MTIA): The administrator filing a Form 5500 for an employee benefit plan is required to file or have a designee file a Form 5500 for each MTIA in which the plan participated at any time during the plan year. For reporting purposes, a "master trust" is a trust for which a regulated financial institution (as defined below) serves as trustee or custodian (regardless of whether such institution exercises discretionary authority or control with respect to the management of assets held in the trust), and in which assets of more than one plan sponsored by a single employer or by a group of employers under common control are held. A "regulated financial institution" means a bank, trust company, or similar financial institution that is regulated, supervised, and subject to periodic examination by a state or Federal agency. "Common control" is determined on the basis of all relevant facts and circumstances (whether or not such employers are incorporated). The assets of a master trust are considered for reporting purposes to be held in one or more "investment accounts." A "master trust investment account" may consist of a pool of assets or a single asset. Each pool of assets held in a master trust must be treated as a separate master trust investment account if each plan that has an interest in the pool has the same fractional interest in each asset in the pool as its fractional interest in the pool, and if each such plan may not dispose of its interest in any asset in the pool without disposing of its interest in the pool. A master trust may also contain assets that are not held in such a pool. Each such asset must be treated as a separate MTIA.

Note: *If a master trust investment account consists solely of one plan's asset(s) during the reporting period, the plan may report the asset(s) either as an investment account on a DFE Form 5500, or as a plan asset(s) that is not part of the master trust (and therefore subject to all instructions pertaining to assets not held in a master trust).*

103-12 Investment Entity (103-12 IE): DOL Regulation 2520.103-12 provides an alternative method of reporting for plans that invest in an entity (other than an MTIA, CCT, or PSA), whose underlying assets include "plan assets" within the meaning of 29 CFR 2510.3-101 of two or more plans that are not members of a "related group" of employee benefit plans. Such an entity for which a Form 5500 is filed constitutes a "103-12 IE." A Form 5500 is not required to be filed for such entities; however, the instructions for the Schedule H (Form 5500) provide reporting relief that is not available to plans and DFEs participating in entities that are eligible to but do not file a Form 5500 as a 103-12 IE. For this reporting purpose, a "related group" of employee benefit plans consists of each group of two or more employee benefit plans **(1)** each of which receives 10% or more of its aggregate contributions from the same employer or from a member of the same controlled group of corporations (as determined under Code section 1563(a), without regard to Code section 1563(a)(4) thereof); or **(2)** each of which is either maintained by, or maintained pursuant to a collective-bargaining agreement negotiated by, the same employee organization or affiliated employee organizations. For purposes of this paragraph, an "affiliate" of an employee organization means any person controlling, controlled by, or under common control with such organization. See 29 CFR 2520.103-12.

Group Insurance Arrangement (GIA): Each welfare benefit plan that is part of a group insurance arrangement is exempted from the requirement to file a Form 5500 if a consolidated Form 5500 report for all the plans in the arrangement was filed in accordance with 29 CFR 2520.104-43. For reporting purposes, a "group insurance arrangement" provides benefits to the employees of two or more unaffiliated employers (not in connection with a multiemployer plan or a collectively-bargained multiple-employer plan), fully insures one or more welfare plans of each participating employer, uses a trust or other entity as the holder of the insurance contracts, and uses a trust as the conduit for payment of premiums to the insurance company.

When To File

Plans and GIAs. File 1999 return/reports for plan years that started in 1999. All required forms, schedules and attachments must be filed by the last day of the 7th calendar month after the end of the plan year (not to exceed 12 months in length) that began in 1999. If the plan year differs from the calendar year, fill in the fiscal year beginning and ending dates on the line provided at the top of the form.

DFEs other than GIAs. File 1999 return/reports no later than 9½ months after the end of the DFE year. A Form 5500 filed for a DFE must report information for the DFE year (not to exceed 12 months in length) that ends with or within the participating plan's year.

Short Years. For a short plan year, file the form and applicable schedules by the last day of the 7th month after the short plan year ends, and also check box B(4) in Part I. For purposes of this return/report, the short plan year ends on the date of the change in accounting period or upon the complete distribution of assets of the plan. Fill in the fiscal year beginning and ending dates on the line provided at the top of the form. Also see the instructions for **Final Return/Report** on page 6 to determine if box B(3) should be checked.

Special 1999 Transition Rule. The due date for a 1999 Form 5500 filed for a DFE with a fiscal year ending in 1999 is October 16, 2000.

Note: If the filing due date falls on a Saturday, Sunday, or Federal holiday, the return/report may be filed on the next day that is not a Saturday, Sunday, or Federal holiday.

Private Delivery Service

You can use certain private delivery services that have been designated by the IRS to meet the "timely mailing as timely filing/paying" rule for tax returns and payments. The August, 1999 list of designated private delivery services published by the IRS includes only the following:

- Airborne Express (Airborne): Overnight Air Express Service, Next Afternoon Service, Second Day Service.
- DHL Worldwide Express (DHL): DHL "Same Day" Service, DHL USA Overnight.
- Federal Express (FedEx): FedEx Priority Overnight, FedEx Standard Overnight, FedEx 2Day.
- United Parcel Service (UPS): UPS Next Day Air, UPS Next Day Air Saver, UPS 2nd Day Air, UPS 2nd Day Air A.M.

The private delivery service can tell you how to get written proof of the mailing date.

See **Where To File** below for the street address when using a private delivery service.

Extension of Time To File

Using Form 5558

A one-time extension of time to file Form 5500 (up to 2½ months) may be obtained by filing **Form 5558,** Application for Extension of Time To File Certain Employee Plan Returns, **before** the normal due date (not including any extensions) of the return. **You MUST file Form 5558 with the IRS.**

Approved copies of the Form 5558 will not be returned to the filer. However, a photocopy of the extension request that was filed must be attached to the Form 5500.

The addresses for where to file the Form 5558 are found in the instructions to the Form 5558.

Using Extension of Time To File Federal Income Tax Return

An automatic extension of time to file Form 5500 until the due date of the Federal income tax return of the employer will be granted if all of the following conditions are met: **(1)** the plan year and the employer's tax year are the same; **(2)** the employer has been granted an extension of time to file its Federal income tax return to a date later than the normal due date for filing the Form 5500; and **(3)** a copy of the application for extension of time to file the Federal income tax return is attached to the Form 5500. An extension granted by using this automatic extension procedure CANNOT be extended further by filing a Form 5558.

Note: *An extension of time to file the Form 5500 described above does not operate as an extension of time to file a Form 5500 filed for a DFE or the PBGC Form 1.*

Where To File

File the Form 5500, with any required schedules, statements, and attachments, at the address indicated below.

by mail:

PWBA
P.O. Box 7043
Lawrence, KS 66044-7043

by private delivery service:

PWBA / NCS
Attn: EFAST
3833 Greenway Drive
Lawrence, KS 66046-1290

Electronic Filing

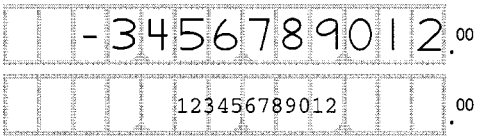
You may file Form 5500 using 4mm DAT, 8mm DAT, 3½ inch diskette, CD-ROM, 3490 Tape or 9-Track Tape at the above address or via modem. Electronic filers must obtain an electronic and, if filing by modem, a transmission encryption key. For more information regarding electronic filing and how to obtain electronic signatures and transmission encryption keys, check the EFAST Web Page at **www.efast.dol.gov**

Paper Filing

Completion by Computer. If Electronic Filing is not used, print out the machine print version of the forms on standard 8½ by 11 inch paper using EFAST approved computer software.

Completion by Hand. Enter on the hand print version of the forms one letter or number within each green box without any overlapping of characters. If entering a negative number, enter a minus sign "–" in a box to the left of the number.

Completion by Typewriter. Ignore the green vertical lines on the hand print version of the forms and type directly through the boxes. Do NOT type more characters than the number of boxes. Do NOT use commas. See example below. If entering a negative number, enter a minus sign "–" within the boxes to the left of the number.



Call **1-800-TAX-FORM** (1-800-829-3676) to order forms to be used for completion by hand or typewriter since these forms use special paper, special green drop-out ink, and are printed within precise specifications. This number is available 24 hours a day, 7 days a week.

Penalties

ERISA and the Code provide for the assessment or imposition of penalties for not giving complete information and for not filing statements and returns/reports. Certain penalties are administrative (i.e., they may be imposed or assessed by one of the governmental agencies delegated to administer the collection of the Form 5500 data). Others require a legal conviction.

Administrative Penalties

Listed below are various penalties for not meeting the Form 5500 filing requirements. One or more of the following administrative penalties may be assessed or imposed in the event of incomplete filings or filings received after the due date unless it is determined that your explanation for failure to file properly is for reasonable cause:

1. A penalty of up to $1,100 a day for each day a plan administrator fails or refuses to file a complete report. See ERISA section 502(c)(2) and 29 CFR 2560.502c-2.

2. A penalty of $25 a day (up to $15,000) for not filing returns for certain plans of deferred compensation, trusts and annuities, and bond purchase plans by the due date(s). See Code section 6652(e). This penalty also applies to returns required to be filed under Code section 6039D.

3. A penalty of $1 a day (up to $5,000) for each participant for whom a registration statement (Schedule SSA (Form 5500)) is required but not filed. See Code section 6652(d)(1).

4. A penalty of $1,000 for not filing an actuarial statement. See Code section 6692.

Other Penalties

1. Any individual who willfully violates any provision of Part 1 of Title I of ERISA shall be fined not more than $5,000 or imprisoned not more than 1 year, or both. See ERISA section 501.

2. A penalty up to $10,000, 5 years imprisonment, or both, may be imposed for making any false statement or representation of fact, knowing it to be false, or for knowingly concealing or not disclosing any fact required by ERISA. See section 1027, Title 18, U.S. Code, as amended by section 111 of ERISA.

Final Return/Report

If all assets under the plan (including insurance/ annuity contracts) have been distributed to the participants and beneficiaries or legally transferred to the control of another plan, and when all liabilities for which benefits may be paid under a welfare benefit plan have been satisfied, check the final return/report box (Part I, B(3)) at the top of the Form 5500. If a trustee is appointed for a terminated defined benefit plan pursuant to ERISA section 4042, the last plan year for which a return/report must be filed is the year in which the trustee is appointed.

Examples:

Mergers/Consolidations – A final return/report should be filed for the plan year (12 months or less) that ends when all plan assets were legally transferred to the control of another plan.

Master Trust Investment Account Final Report – A final report should be filed within 9½ months after the end of an MTIA year that ends when the account no longer holds the assets of more than one plan sponsored by a single employer or by a group of employers under common control.

Pension and Welfare Plans That Terminated Without Distributing All Assets – If the plan was terminated but all plan assets were not distributed, a return/report must be filed for each year the plan has assets. The return/report must be filed by the plan administrator, if designated, or by the person or persons who actually control the plan's assets/property.

Welfare Plans Still Liable To Pay Benefits – A welfare plan cannot file a final return/report if the plan is still liable to pay benefits for claims that were incurred prior to the termination date, but not yet paid. See 29 CFR 2520.104b-2(g)(2)(ii).

Signature and Date

The plan administrator must sign and date a Form 5500 filed for a pension or a welfare plan under ERISA sections 104 and/or 4065. Either the plan administrator or the employer may sign and date a Form 5500 filed for a pension plan under Code section 6058. Generally, a Form 5500 filed for a pension plan is filed under both ERISA section 104 and Code section 6058.

The employer must sign and date a Form 5500 filed for a fringe benefit plan under Code section 6039D.

When a joint employer-union board of trustees or committee is the plan sponsor or plan administrator, at least one employer representative and one union representative must sign and date the Form 5500.

Any representative authorized to sign on behalf of the DFE may sign the Form 5500 submitted for the DFE.

CAUTION *The administrator is required to maintain a copy of the annual report with all required signatures, as part of the plan's records, even if the annual report is filed electronically. See 29 CFR 2520.103-1.*

Change In Plan Year

Generally only defined benefit pension plans need to get approval for a change in plan year. (See Code section 412(c)(5).) However, under Rev. Proc. 87-27, 1987-1 C.B. 769, these pension plans may be eligible for automatic approval of a change in plan year. If a change in plan year for a pension or a welfare plan creates a short plan year, box B(4) in Part I must be checked and a Form 5500, with all required attachments, must be filed by the last day of the 7th calendar month after the end of the short plan year.

Amended Return/Report

To correct errors and/or omissions on a previously filed annual return/report for the 1999 plan year, submit a completed Form 5500 with an original signature and Part I, box B(2) checked. Attach and complete only those schedules and attachments being corrected. All amendments should be marked by circling the line numbers that have been changed since the prior submission. See the DOL Web Page at **www.efast.dol.gov** for information on electronic filing of amended return/reports. If you are filing a corrected annual return/report in response to correspondence received from the PWBA regarding processing of the annual return/report, do **not** check Part I, box B(2).

Section 2: Lines and Schedules To Complete

All lines on the Form 5500 must be completed unless otherwise specified. All applicable schedules and attachments must also be completed.

The Form 5500 reporting requirements vary depending on whether the Form 5500 is being filed for a "large plan," a "small plan," and/or a DFE, and on the particular type of plan or DFE involved (e.g., welfare plan, pension plan, fringe benefit plan, common/collective trust, pooled separate account, master trust investment account, 103-12 IE, or group insurance arrangement).

Generally, a return/report filed for a pension benefit plan or welfare benefit plan that covered fewer than 100 participants as of the beginning of the plan year should be completed following the requirements below for a "**small plan,**" and a return/report filed for a plan that covered 100 or more participants as of the beginning of the plan year should be completed following the requirements below for a "**large plan.**"

Exceptions:

(1) 80-120 Participant Rule: *If the number of participants reported in Part II, line 6 is between 80 and 120, and a return/report was filed for the prior plan year, you may elect to complete the 1999 return/report in the same category ("large plan" or "small plan") as was filed for the prior return/report. Thus, if a Form 5500-C/R was filed for the 1998 plan year, and the number entered in Part II, line 6 of the 1999 Form 5500 is 100 to 120, you may elect to complete the 1999 Form 5500 and schedules in accordance with the instructions for a small plan.*

(2) Short Plan Year Rule: *If the plan had a short plan year of 7 months or less for either the prior plan year or, the plan year being reported on the 1999 Form 5500, an election can be made to defer filing the accountant's report in accordance with 29 CFR 2520.104-50. If such an election was made for the prior plan year, the 1999 Form 5500 must be completed following the requirements for a large plan, including the attachment of the Schedule H and the accountant's reports, regardless of the number of participants entered in Part II, line 6.*

Attachments

All attachments to the Form 5500 must be properly identified, and must include the name of the plan, plan sponsor's EIN, and plan number (PN) as found in lines 1a, 2b, and 1b, respectively. At the top of each attachment, indicate the schedule and line, if any (e.g., *Schedule H, Line 4i*) to which the attachment relates. When assembling the package for filing, you can place attachments to a schedule, either directly behind that schedule or at the end of the filing.

Pension Benefit Plan

Complete the Form 5500, including the signature block, and, except as provided in **Limited Pension Plan Reporting** on page 7, attach the following schedules and information:

SMALL PENSION PLAN

The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a **Small Pension Plan**:

1. Schedule A (as many as needed), to report insurance, annuity, and investment contracts held by the plan.

2. Schedule B, to report actuarial information, if applicable.

3. Schedule D, Part I, to list any CCTs, PSAs, MTIAs and 103-12 IEs in which the plan participated at any time during the plan year.

4. Schedule E, to report ESOP annual information, if applicable.

5. Schedule I, to report small plan financial information.

6. Schedule P (as many as needed), to report trust fiduciary information, if applicable.

7. Schedule R, to report retirement plan information, if applicable.

8. Schedule SSA (as many as needed), to report separated vested participant information, if applicable.

9. Schedule T (as many as needed), to report tax qualified pension plan coverage information, if applicable.

LARGE PENSION PLAN

The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a **Large Pension Plan**:

1. Schedule A (as many as needed), to report insurance, annuity, and investment contracts held by the plan.

2. Schedule B, to report actuarial information, if applicable.

3. Schedule C, to list the 40 most highly compensated service providers and, if applicable, any terminated accountants or actuaries.

4. Schedule D, Part I, to list any CCTs, PSAs, MTIAs and 103-12 IEs in which the plan invested at any time during the plan year.

5. Schedule E, to report ESOP annual information, if applicable.

6. Schedule G, to report loans or fixed income obligations in default or determined to be uncollectible as of the end of the plan year, leases in default or classified as uncollectible, and nonexempt transactions, i.e., file Schedule G if Schedule H (Form 5500) lines 4b, 4c, and/or 4d are checked "Yes."

7. Schedule H, to report financial information.

8. Schedule P (as many as needed), to report trust fiduciary information, if applicable.

9. Schedule R, to report retirement plan information, if applicable.

10. Schedule SSA, to report separated vested participant information, if applicable.

11. Schedule T (as many as needed), to report tax qualified pension plan coverage information, if applicable.

CAUTION *Attach the report of the independent qualified public accountant identified on Schedule H, line 3d, unless line 3b(2) is checked.*

Limited Pension Plan Reporting

The pension plans or arrangements described below are eligible for limited annual reporting:

1. 403(b) Arrangements: A pension plan or arrangement using a tax deferred annuity arrangement under Code section 403(b)(1) and/or a custodial account for regulated investment company stock under Code section 403(b)(7) as the sole funding vehicle for providing pension benefits need complete only Form 5500 Part I and Part II, lines 1 through 5, and 8 (enter pension feature code 2L, 2M, or both).

Note: *The administrator of an arrangement described above is not required to engage an independent qualified public accountant, attach an accountant's opinion to the Form 5500, or attach any schedules to the Form 5500.*

2. IRA Plans: A pension plan utilizing individual retirement accounts or annuities (as described in Code section 408) as the sole funding vehicle for providing pension benefits need complete only Form 5500 Part I and Part II, lines 1 through 5, and 8 (enter pension feature code 2N).

3. Fully Insured Pension Plan: A pension benefit plan providing benefits exclusively through an insurance contract or contracts that are fully guaranteed and that meet all of the conditions of 29 CFR 2520.104-44(b)(2) during the entire plan year must complete all requirements listed for a **Pension Benefit Plan** on page 6, except that such a plan is exempt from attaching Schedule H, Schedule I, and an accountant's opinion, and from the requirement to engage an independent qualified public accountant.

A pension benefit plan that has insurance contracts of the type described in 29 CFR 2520.104-44 as well as other assets must complete all requirements for a pension benefit plan, except that the value of the plan's allocated contracts (see below) should not be reported in Part I of Schedule H or I. All other assets should be reported on Schedule H or Schedule I, and any other required schedules. If Schedule H is filed, attach an accountant's report in accordance with the Schedule H instructions.

Note: *For purposes of the annual return/report and the alternative method of compliance set forth in 29 CFR 2520.104-44, a contract is considered to be "allocated" only if the insurance company or organization that issued the contract unconditionally guarantees, upon receipt of the required premium or consideration, to provide a retirement benefit of a specified amount. This amount must be provided to each participant without adjustment for fluctuations in the market value of the underlying assets of the company or organization, and each participant must have a legal right to such benefits, which is legally enforceable directly against the insurance company or organization. For example, deposit administration, immediate participation guarantee, and guaranteed investment contracts are NOT allocated contracts for Form 5500 purposes.*

4. Nonqualified pension benefit plans maintained outside the United States: Nonqualified pension benefit plans maintained outside the United States primarily for nonresident aliens required to file a return/report (see **Who Must File** on page 2) must complete the Form 5500 (enter 3A in Part II, line 8a).

Welfare Benefit Plan

Complete the Form 5500, including the signature block, and attach the following schedules and information:

SMALL WELFARE PLANS

The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a **Small Welfare Plan**:

1. Schedule A (as many as needed), to report insurance contracts held by the plan.

2. Schedule D, Part I, to list any CCTs, PSAs, MTIAs and 103-12 IEs in which the plan participated at any time during the plan year.

3. Schedule I, to report small plan financial information.

LARGE WELFARE PLAN

The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a **Large Welfare Plan**:

1. Schedule A (as many as needed), to report insurance and investment contracts held by the plan.

2. Schedule C, if applicable, to list service providers and any terminated accountants or actuaries.

3. Schedule D, Part I, to list any CCTs, PSAs, MTIAs and 103-12 IEs in which the plan invested at any time during the plan year.

4. Schedule G, to report loans or fixed income obligations in default or determined to be uncollectible as of the end of the plan year, leases in default or classified as uncollectible, and nonexempt transactions, i.e., file Schedule G if Schedule H (Form 5500) lines 4b, 4c, and/or 4d are checked "Yes" or if a large welfare plan that is not required to file a Schedule H has nonexempt transactions.

5. Schedule H, to report financial information.

CAUTION *Attach the report of the independent qualified public accountant identified on Schedule H, line 3d, unless line 3b(2) is checked.*

Note: Neither Schedule H nor an accountant's opinion should be attached to a Form 5500 filed for an unfunded, fully insured or combination unfunded/insured welfare plan (as defined on page 3) that covered 100 or more participants as of the beginning of the plan year which meets the requirements of 29 CFR 2520.104-44 . However, Schedule G, Part III, must be attached to the Form 5500 to report any nonexempt

transactions. A welfare benefit plan that uses a "voluntary employees' beneficiary association" (VEBA) under Code section 501(c)(9) is generally not exempt from the requirement of engaging an independent qualified public accountant. See ERISA section 3(4).

Fringe Benefit Plan

Complete the Form 5500, including the signature block, and attach Schedule F to report fringe benefit plan annual information.

Note: *Do not complete lines 6, 7, and 9 of Part II of a Form 5500 filed only for a fringe benefit plan.*

Welfare Plan And Fringe Benefit Plan Filing Together

If one Form 5500 is filed for both, you must check lines 8c and 10c of Part II of the Form 5500, attach Schedule F for the fringe benefit plan and complete the information and schedules (listed above) for the welfare plan.

Direct Filing Entity (DFE)

The term DFE, as defined on page 4, includes common/collective trusts (CCTs), pooled separate accounts (PSAs), group insurance arrangements (GIAs), master trust investment accounts (MTIAs), and 103-12 investment entities (103-12 IEs) for which a Form 5500 is properly filed. Only one Form 5500 should be filed for each DFE year for all plans participating in the DFE; however, the DFE Form 5500, including all required schedules and attachments, must report information for the DFE year (not to exceed 12 months in length) that ends with or within the participating plan's year. The DFE Form 5500 filing is an integral part of the annual report of each participating plan and the plan administrator may be subject to penalties for failing to file a complete annual report unless both the DFE Form 5500 and the plan's Form 5500 are properly filed.

The information required for a Form 5500 filed for a DFE varies according to the type of DFE. The following paragraphs provide specific guidance for the reporting requirements for each type of DFE.

Requirements for a Form 5500 filed for a common/collective trust (CCT) or pooled separate account (PSA).
A CCT or PSA Form 5500 must comply with the Form 5500 instructions for a **Large Pension Plan**, unless otherwise specified in the forms and instructions. Complete the Form 5500 including the appropriate letter, C or P, on Part I, line A(4) and the signature block. Do **not** complete Part I, line C, and Part II, lines 1c, 2d, 6 through 9, and 10a. The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a CCT or PSA:

1. Schedule D, Part I, to list all CCTs, PSAs, MTIAs and 103-12 IEs in which the CCT or PSA invested at any time during its year, and Part II, to list all plans that participated in the CCT or PSA during its year.

2. Schedule H to report financial information. Do **not** complete Part IV of Schedule H.

Note: *Special requirements also apply to Schedules D and H attached to the Form 5500 filed by plans participating in MTIAs, CCTs, PSAs, and 103-12 IEs. See the instructions for these schedules.*

Requirements for a Form 5500 filed for a master trust investment account (MTIA) or a 103-12 Investment Entity (103-12 IE).
An MTIA or 103-12 IE Form 5500 must comply with the Form 5500 instructions for a **Large Pension Plan**, unless otherwise specified in the forms and instructions. Complete the Form 5500 including the appropriate letter, M or E, on Part I, line A(4) and the signature block. Do **not** complete Part I, line C, and Part II, lines 1c, 2d, 6 through 9, and 10a. The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for an MTIA or 103-12 IE:

1. Schedule A (as many as needed), to report insurance, annuity and investment contracts held by the MTIA or 103-12 IE.

2. Schedule C, Parts I and II, to report service provider compensation information and any terminated accountants. Part II is not required if the Form 5500 is filed for an MTIA.

3. Schedule D, Part I, to list all CCTs, PSAs, MTIAs and 103-12 IEs in which the MTIA or 103-12 IE invested at any time during its year, and Part II, to list all plans that participated in the MTIA or 103-12 IE during its year.

Quick Reference Chart Form 5500 Schedules and Attachments[1]

	Large Pension Plan	Small Pension Plan	Large Welfare Plan	Small Welfare Plan	DFE	Fringe Benefit Plan
Schedule A (Insurance Information)	Must complete if plan has insurance contracts.	Must complete if plan has insurance contracts.	Must complete if plan has insurance contracts.	Must complete if plan has insurance contracts.	Must complete if MTIA, 103-12 IE or GIA has insurance contracts.	Not required.
Schedule B (Actuarial Information)	Must complete if defined benefit plan and subject to minimum funding standards.	Must complete if defined benefit plan and subject to minimum funding standards.	Not required.	Not required.	Not required.	Not required.
Schedule C (Service Provider Information)	Must complete if service provider was paid $5,000 or more and/or an accountant or actuary was terminated.	Not required.	Must complete if service provider was paid $5,000 or more and/or an accountant or actuary was terminated.	Not required.	MTIAs, GIAs and 103-12 IEs must complete Part I if service provider paid $5,000 or more. GIAs and 103-12 IEs must complete Part II if accountant was terminated.	Not required.
Schedule D (DFE/ Participating Plan Information)	Must complete Part I if plan participates in a CCT, PSA, MTIA, or 103-12 IE.	Must complete Part I if plan participates in a CCT, PSA, MTIA, or 103-12 IE.	Must complete Part I if plan participates in a CCT, PSA, MTIA, or 103-12 IE.	Must complete Part I if plan participates in a CCT, PSA, MTIA, or 103-12 IE.	All DFEs must complete Part II, and DFEs that invest in CCT, PSA, or 103-12 IE must also complete Part I.	Not required.

	Large Pension Plan	Small Pension Plan	Large Welfare Plan	Small Welfare Plan	DFE	Fringe Benefit Plan
Schedule E (ESOP Information)	Must complete if ESOP.	Must complete if ESOP.	Not required.	Not required.	Not required.	Not required.
Schedule F (Fringe Benefit Plan Information)	Not required.	Not required.	Not required.	Not required.	Not required.	Must complete.
Schedule G (Financial Schedules)	Must complete if Schedule H, lines 4b, 4c, or 4d are "Yes."[2]	Not required.	Must complete if Schedule H, lines 4b, 4c, or 4d are "Yes."[2, 3]	Not required.	MTIAs, GIAs and 103-12 IEs must complete if Schedule H, lines 4b, 4c, and 4d are "Yes."[2]	Not required.
Schedule H (Large Plan and DFE Financial Information)	Must complete.	Not required.	Must complete.[3]	Not required.	All DFEs must complete Parts I, II, and III. MTIAs, 103-12 IEs, and GIAs must also complete Part IV.	Not required.
Schedule I (Small Plan Financial Information)	Not required.	Must complete.	Not required.	Must complete.[3]	Not required.	Not required.
Schedule P (Annual Return of Fiduciary)	Must file to start running of statute of limitations under Code section 6501(a).	Must file to start running of statute of limitations under Code section 6501(a).	Not required.	Not required.	Not required.	Not required.
Schedule R (Retirement Plan Information)	Must complete unless plan is neither a defined benefit plan nor subject to Code section 412 or ERISA section 302 and no benefits were distributed during the plan year.	Must complete unless plan is neither a defined benefit plan nor subject to Code section 412 or ERISA section 302 and no benefits were distributed during the plan year.	Not required.	Not required.	Not required.	Not required.
Schedule SSA (Statement Identifying Separated Participants With Deferred Vested Benefits)	Must complete if plan had separated participants with deferred vested benefits to report.	Must complete if plan had separated participants with deferred vested benefits to report.	Not required.	Not required.	Not required.	Not required.
Schedule T (Qualified Pension Plan Information)	Must complete if qualified plan unless permitted to rely on coverage testing information for prior year.	Must complete if qualified plan unless permitted to rely on coverage testing information for prior year.	Not required.	Not required.	Not required.	Not required.
Accountant's Report	Must attach.	Not required.	Must attach.	Not required.	Must attach for a GIA or 103-12 IE.	Not required.

[1] This chart provides only general guidance. Not all rules and requirements are reflected. Refer to specific Form 5500 instructions for complete information on filing requirements (e.g., **Pension and Welfare Plans Excluded From Filing** on page 3 and **Lines and Schedules to Complete** on page 6).

[2] Schedules of assets and reportable (5%) transactions also must be filed with the Form 5500 if Schedule H, lines 4i or 4j are "Yes," but use of printed form not required.

[3] Unfunded, fully insured and combination unfunded/insured welfare plans covering fewer than 100 participants at the beginning of the plan year that meet the requirements of 29 CFR 2520.104-20 are exempt from filing an annual report. (See **Pension and Welfare Plans Excluded from Filing** on page 3.) Such a plan with 100 or more participants must file an annual report, but is exempt under 29 CFR 2520.104-44 from the accountant's report requirement and completing Schedule H, but MUST complete Schedule G, Part III, to report any nonexempt transactions. See **Lines and Schedules To Complete** on page 6.

4. Schedule G, to report loans or fixed income obligations in default or determined to be uncollectible as of the end of the MTIA or 103-12 IE year, leases in default or classified as uncollectible and nonexempt transactions, i.e., file Schedule G if Schedule H (Form 5500) lines 4b, 4c, and/or 4d are checked "Yes."

5. Schedule H, to report financial information.

CAUTION *Attach the report of the independent qualified public accountant identified on Schedule H, line 3d, unless line 3b(1) is checked.*

Requirements for a Form 5500 filed for a group insurance arrangement (GIA).

A GIA Form 5500 must comply with the Form 5500 instructions for a **Large Welfare Plan,** unless otherwise specified in the forms and instructions. Complete the Form 5500 including the letter G on Part I, line A(4), and the signature block. Do **not** complete Part I, line C, and Part II, line 2d. The following schedules (including any additional information required by the instructions to the schedules) must be attached to a Form 5500 filed for a GIA:

1. Schedule A (as many as needed), to report insurance and investment contracts held by the GIA.

2. Schedule C, Parts I and II, to report service provider compensation information, and any terminated accountants.

3. Schedule D, Part I, to list all CCTs, PSAs, and 103-12 IEs in which the GIA invested at any time during its year, and Part II, to list all plans participating in the GIA at any time during its year.

4. Schedule G, to report loans or fixed income obligations in default or determined to be uncollectible as of the end of the plan year, leases in default or classified as uncollectible, and nonexempt transactions, i.e., file Schedule G if Schedule H (Form 5500) lines 4b, 4c, and/or 4d are checked "Yes."

5. Schedule H, to report financial information.

CAUTION *Attach the report of the independent qualified public accountant identified on Schedule H, line 3d.*

Specific Instructions

Section 3: Form 5500 Line-by-Line Instructions

Answer all questions with respect to the plan or DFE year, unless otherwise explicitly stated in the line-by-line instructions or on the form itself. Therefore, responses usually apply to the year entered or printed at the top of the first page of the form.

"Yes" or "No" questions on the forms and schedules must be marked either "Yes" or "No," but not both. "N/A" cannot be used to respond to a "Yes" or "No" question unless specifically permitted by the forms, schedules or instructions.

Use black or blue ink. Check boxes should be filled in completely or clearly marked with an "X." If entering a negative number, enter a minus sign "–" in a box to the left of the number. Do not add dollar signs, commas, or use decimal points. Do not write on or near the barcode or in the upper right corner of the form as this will interfere with the processing of the forms.

The return/report must be completed in accordance with the following specific instructions.

Part I - Annual Report Identification Information

File Form 5500 with "1999" printed in the upper right hand corner for a plan year that began in 1999 or a DFE year that ended in 1999. If the plan year is not the 1999 calendar year, enter the dates in Part I. A form printed for a prior year may not be used to report for this plan year.

Kinds of Filers One Form 5500 is generally filed for each plan or entity described in the instructions to boxes A(1) through A(4) below.

Note: *A separate Form 5500, with box A(2) checked, must be filed by each employer participating in a plan or program of benefits in which the funds attributable to each employer are available to pay benefits only for that employer's employees, even if the plan is maintained by a controlled group.*

A "controlled group" is generally considered one employer for Form 5500 reporting purposes. A "controlled group" is a controlled group of corporations under Code section 414(b), a group of trades or businesses under common control under Code section 414(c), or an affiliated service group under Code section 414(m).

Box A(1). Multiemployer Plan. Check this box if the Form 5500 is filed for a multiemployer plan. A plan is a multiemployer plan if: **(1)** more than one employer is required to contribute, **(2)** the plan is maintained pursuant to one or more collective bargaining agreements, and **(3)** an election under Code section 414(f)(5) and ERISA section 3(37)(E) has not been made. Participating employers do not file individually for these plans. See 29 CFR 2510.3-37.

Box A(2). Single-Employer Plan. Check this box if the Form 5500 is filed for a single-employer plan. A single-employer plan is an employee benefit plan maintained by one employer or one employee organization.

Box A(3). Multiple-Employer Plan. Check this box if the Form 5500 is being filed for a multiple-employer plan. A multiple-employer plan is a plan that is maintained by more than one employer and is not one of the plans already described. Multiple-employer plans can be collectively bargained and collectively funded, but if covered by PBGC termination insurance, must have properly elected before September 27, 1981, not to be treated as a multiemployer plan under Code section 414(f)(5) or ERISA sections 3(37)(E) and 4001(a)(3). Participating employers do not file individually for these plans. *Do NOT check this box if the employers maintaining the plan are members of the same controlled group.*

Box A(4). Direct Filing Entity. Check this box and enter the correct letter from the chart below to indicate the type of entity in the space provided.

Type of entity ▼	Enter the letter ▼
Master Trust Investment account	M
Common/collective trust	C
Pooled separate account	P
103-12 Investment Entity	E
Group Insurance Arrangement	G

Box B(1). Check this box if an annual return/report has not been previously filed for this plan or DFE. For the purpose of completing box B(1), the Form 5500-EZ is not considered an annual return/report.

Box B(2). Check this box if this Form 5500 is being submitted to correct errors and/or omissions on a previously filed Form 5500 for the 1999 plan year.

Box B(3). Check this box if this Form 5500 is the last Form 5500 required to be submitted for this plan. (See **Final Return/Report** on page 6.)

Box B(4). Check this box if this Form 5500 is filed for a plan year of less than 12 months.

Note: *For purposes of completing boxes B(1) and B(3), check Form 5500, Part I, line B(3) and enter "4R" on Part II, line 8b, for a welfare plan that is not required to file a Form 5500 for the next plan year because the welfare plan has become eligible for an annual reporting exemption. For example, certain unfunded and insured welfare plans may be required to file the 1999 Form 5500 and be exempt from filing a Form 5500 for the plan year*

2000 if the number of participants covered as of the beginning of the 2000 plan year drops below 100. See ***Pension and Welfare Plans Excluded From Filing*** *on page 3. Should the number of participants covered by such a plan increase to 100 or more in a future year, the plan should check Form 5500, Part I, line B(1) on that year's Form 5500 and enter "4S" on Part II, line 8b. See 29 CFR 2520.104-20.*

Box C. Check box C when the contributions to the plan and/or the benefits paid by the plan are subject to the collective bargaining process (even if the plan is not established and administered by a joint board of trustees and even if only some of the employees covered by the plan are members of a collective bargaining unit that negotiates contributions and/or benefits). The contributions and/or benefits do not have to be identical for all employees under the plan.

Box D. Check this box if you filed for an extension of time to file this form. Attach a photocopy of either the completed and signed **Form 5558,** Application for Extension of Time To File Certain Employee Plan Returns you filed, or if you are using the automatic extension of time to file Form 5500 until the due date of the Federal income tax return of the employer, a copy of the employer's extension of time to file the income tax return. See **Extension of Time To File** on page 5.

Part II - Basic Plan Information

Line 1a. Enter the formal name of the plan or DFE or enough information to identify the plan or DFE. Abbreviate if necessary.

Line 1b. Enter the three-digit plan or entity number (PN) the employer or plan administrator assigned to the plan or DFE. This three digit number, in conjunction with the employer identification number (EIN) entered on line 2b, is used by the IRS, DOL, and PBGC as a unique 12 digit number to identify the plan or DFE.

Start at 001 for plans providing pension benefits or DFEs as illustrated in the table below. Start at 501 for welfare or fringe benefit plans and GIAs. Do not use 888 or 999.

Once you use a plan or DFE number, continue to use it for that plan or DFE on all future filings with the IRS, DOL and PBGC. Do not use it for any other plan or DFE, even if the first plan or DFE is terminated.

For each Form 5500 with the same EIN (line 2b), when ▼	Assign PN ▼
Part II, box 8a is checked, or Part I, A(4) is checked and an M, C, P, or E is entered	001 to the first plan or DFE. Consecutively number others as 002, 003. . .
Part II, box 8b and/or 8c is checked and 8a is not checked, or Part I, A(4) is checked and a G is entered	501 to the first plan or GIA. Consecutively number others as 502, 503. . .

Exception: *If Part II, box 8a is checked and 333 (or a higher number in a sequence beginning with 333) was previously assigned to the plan, that number may be entered on line 1b.*

Line 1c. Enter the date the plan first became effective.

Line 2a. Enter the name and address of the plan sponsor or, in the case of a Form 5500 filed for a DFE, the name and address of the insurance company, financial institution or other sponsor of the DFE (e.g., the trust or other entity that holds the insurance contract for a group insurance arrangement). If the plan covers only the employees of one employer, enter the employer's name. If the Post Office does not deliver mail to the street address and the sponsor has a P.O. box, enter the box number with the street address.

The term "plan sponsor" means:

- The employer, for an employee benefit plan that a single employer established or maintains, and for a fringe benefit plan;
- The employee organization in the case of a plan of an employee organization; or
- The association, committee, joint board of trustees, or other similar group of representatives of the parties who establish or maintain the plan, if the plan is established or maintained jointly by one or more employers and one or more employee organizations, or by two or more employers.

Include enough information on line 2a to describe the sponsor adequately, e.g., "Joint Board of Trustees of Local 187 Machinists" rather than just "Joint Board of Trustees." A plan of a controlled group of corporations should enter the name of only one of the sponsoring members.

Line 2b. Enter the nine-digit employer identification number (EIN) assigned to the plan sponsor/employer/entity. For example, 00-1234567.

Employers and plan administrators who do not have an EIN should apply for one on Form SS-4, Application for Employer Identification Number as soon as possible. Form SS-4 can be obtained at most IRS or Social Security Administration (SSA) offices. The PWBA does NOT issue EINs.

A plan of a controlled group of corporations should use the EIN of one of the sponsoring members. The EIN must be used in all subsequent filings of the Form 5500 for the controlled group.

If the plan sponsor is a group of individuals, get a single EIN for the group. When you apply for a number, enter on line 1 of Form SS-4 the name of the group, such as "Joint Board of Trustees of the Local 187 Machinists' Retirement Plan." EINs may be obtained by filing Form SS-4 as explained above.

Note: *EINs for funds (trusts or custodial accounts) associated with plans are generally not required to be furnished on the Form 5500; the IRS will issue EINs for such funds for other reporting purposes. EINs may be obtained by filing Form SS-4 as explained above.*

Plan sponsors should use the trust EIN described in the **Note** above when opening a bank account or conducting other transactions for a trust that require an EIN.

Line 2d. Enter the six-digit business code that best describes the nature of the plan sponsor's business from the list of business codes on pages 17, 18, and 19. If more than one employer or employee organization is involved, enter the business code for the main business activity of the employers and/or employee organizations.

Line 3a. Enter the name and address of the plan administrator, unless **(a)** the administrator is the sponsor identified in item 2, or **(b)** Part I, box A(4) is checked because the Form 5500 is submitted as the report of a DFE. If (a) or (b) applies, the word "Same" should be entered on line 3a and lines 3b and 3c should be blank. Plan administrator means:

- The person or group of persons specified as the administrator by the instrument under which the plan is operated;
- The plan sponsor/employer if an administrator is not so designated; or
- Any other person prescribed by regulations if an administrator is not designated and a plan sponsor cannot be identified.

Line 3b. Enter the plan administrator's nine-digit EIN. A plan administrator must have an EIN for Form 5500 reporting purposes. If the plan administrator does not have an EIN, apply for one as explained in the instructions for line 2b. One EIN should be entered for a group of individuals who are, collectively, the plan administrator.

Note: *Employees of the plan sponsor who perform administrative functions for the plan are generally not the plan administrator unless specifically designated in the plan document. If an employee of the plan sponsor is designated as the plan administrator, that employee must get an EIN.*

Line 4. If the plan sponsor's name and EIN have changed since the last return/report was filed for this plan enter the plan sponsor's name, EIN, and the plan number as it appeared on the last return/report filed for this plan.

Line 5. *(Optional)* You may use this line to designate the person or entity that is principally responsible for the preparation of the annual return/report.

Lines 6 and 7. The description of "participant" in the instructions below is only for purposes of these lines.

For welfare plans, the number of participants should be determined by reference to 29 CFR 2510.3-3(d). Dependents are considered to be neither participants nor beneficiaries. A child who is an "alternate recipient" entitled to health benefits under a qualified medical child support order should not be counted as a participant for lines 6 and 7. For pension benefit plans, "alternate payees" entitled to benefits under a qualified domestic relations order are not to be counted as participants for these lines.

"Participant" means any individual who is included in one of the categories below.

1. Active participants include any individuals who are currently in employment covered by a plan and who are earning or retaining credited service under a plan. This category includes any individuals who are eligible to elect to have the employer make payments to a Code section 401(k) qualified cash or deferred arrangement. Active participants also include any nonvested individuals who are earning or retaining credited service under a plan. This category does not include **(a)** nonvested former employees who have incurred the break in service period specified in the plan or **(b)** former employees who have received a "cash-out" distribution or deemed distribution of their entire nonforfeitable accrued benefit.

2. Retired or separated participants receiving benefits are any individuals who are retired or separated from employment covered by the plan and who are receiving benefits under the plan. This includes former employees who are receiving group health continuation coverage benefits pursuant to Part 6 of ERISA and who are covered by the employee welfare benefit plan. This category does not include any individual to whom an insurance company has made an irrevocable commitment to pay all the benefits to which the individual is entitled under the plan.

3. Other retired or separated participants entitled to future benefits are any individuals who are retired or separated from employment covered by the plan and who are entitled to begin receiving benefits under the plan in the future. This category does not include any individual to whom an insurance company has made an irrevocable commitment to pay all the benefits to which the individual is entitled under the plan.

4. Deceased individuals who had one or more beneficiaries who are receiving or are entitled to receive benefits under the plan. This category does not include an individual if an insurance company has made an irrevocable commitment to pay all the benefits to which the beneficiaries of that individual are entitled under the plan.

Line 7g. Enter the number of participants included on line 7f (total participants at the end of the plan year) who have account balances. For example, for a Code section 401(k) plan the number entered on line 7g should be the number of participants counted on line 7f who have made a contribution to the plan for this plan year or any prior plan year. Defined benefit plans should leave line 7g blank.

Line 7h. Include any individual who terminated employment during this plan year, whether or not he or she **(a)** incurred a break in service, **(b)** received an irrevocable commitment from an insurance company to pay all the benefits to which he or she is entitled under the plan, and/or **(c)** received a cash distribution or deemed cash distribution of his or her nonforfeitable accrued benefit. Multiemployer plans and multiple-employer plans that are collectively bargained do not have to complete line 7h.

Line 7i. If a number is entered on line 7i, you must file Schedule SSA (Form 5500) as an attachment to the Form 5500.

CAUTION *Code section 6057(e) provides that the plan administrator must give each participant a statement showing the same information reported on Schedule SSA for that participant.*

Line 8 - Benefits Provided Under the Plan. Check 8a, 8b and/or 8c, as appropriate. In addition, enter in the boxes provided all applicable plan characteristic codes from the table on page 13 that describe the characteristics of the plan being reported.

Line 9 - Funding and Benefit Arrangements. Check all boxes that apply to indicate the funding and benefit arrangements used during the plan year. The "funding arrangement" is the method for the receipt, holding, investment, and transmittal of plan assets prior to the time the plan actually provides benefits. The "benefit arrangement" is the method by which benefits were actually provided to participants by the plan. For the purposes of line 9:

"**Insurance**" means the plan has an account, contract, or policy with an insurance company, insurance service, or other similar organization (such as Blue Cross, Blue Shield, or a health maintenance organization) during the plan or DFE year. (This includes investments with insurance companies such as guaranteed investment contracts (GICs).) Do not check "insurance" if the sole function of the insurance company was to provide administrative services.

"**Code section 412(i) insurance contracts**" are contracts that provide retirement benefits under a plan which are guaranteed by an insurance carrier. In general, such contracts must provide for level premium payments over the individual's period of participation in the plan (to retirement age), premiums must be timely paid as currently required under the contract, no rights under the contract may be subject to a security interest and no policy loans may be outstanding. If a plan is funded exclusively by the purchase of such contracts, the otherwise applicable minimum funding requirements of section 412 of the Code and section 302 of ERISA do not apply for the year and a Schedule B is not required to be filed.

"**Trust**" includes any fund or account that receives, holds, transmits, or invests plan assets other than an account or policy of an insurance company.

"**General assets of the sponsor**" means the plan either had no assets or some assets were commingled with the general assets of the plan sponsor prior to the time the plan actually provided the benefits promised.

Example: If the plan held all its assets invested in registered investment companies and other non-insurance company investments until it purchased annuities to pay out the benefits promised under the plan, box 9a(3) should be checked as the funding arrangement and box 9b(1) should be checked as the benefit arrangement.

Note: *An employee benefit plan that checks boxes 9a(1), 9a(2), 9b(1), and/or 9b(2) must attach a Schedule A (Form 5500), Insurance Information, to provide information pertaining to each contract year ending with or within the plan year. See the instructions to the Schedule A and enter the number of Schedules A on line 10b(3), if applicable.*

PLAN CHARACTERISTICS CODES FOR LINES 8a AND 8b

CODE	Defined Benefit Pension Features
1A	Benefits are primarily pay related
1B	Benefits are primarily flat dollar (includes dollars per year of service)
1C	Cash balance or similar plan - Plan has a "cash balance" formula. For this purpose, a "cash balance" formula is a benefit formula in a defined benefit plan by whatever name (e.g., personal account plan, pension equity plan, life cycle plan, cash account plan, etc.) that rather than, or in addition to, expressing the accrued benefit as a life annuity commencing at normal retirement age, defines benefits for each employee in terms more common to a defined contribution plan such as a single sum distribution amount (e.g., 10 percent of final average pay times years of service, or the amount of the employee's hypothetical account balance).
1D	Offset arrangement - Plan benefits are subject to offset for retirement benefits provided in another plan or arrangement of the employer.
1E	Code section 401(h) arrangement - Plan contains separate accounts under Code section 401(h) to provide employee health benefits.
1F	Code section 414(k) arrangement - Benefits are based partly on the balance of the separate account of the participant (also include appropriate defined contribution pension feature codes).
1G	Covered by PBGC - Plan is covered under the PBGC insurance program (see ERISA section 4021).
1H	Plan covered by PBGC that was terminated and closed out for PBGC purposes - Before the end of the plan year (or a prior plan year), (1) the plan terminated in a standard (or distress) termination and completed the distribution of plan assets in satisfaction of all benefit liabilities (or all ERISA Title IV benefits for distress termination); or (2) a trustee was appointed for a terminated plan pursuant to ERISA section 4042.

CODE	Defined Contribution Pension Features
2A	Allocations based upon age, service, or age and service
2B	Target benefit plan
2C	Money purchase (other than target benefit)
2D	Offset plan - Plan benefits are subject to offset for retirement benefits provided in another plan or arrangement of the employer.
2E	Profit-sharing
2F	ERISA section 404(c) Plan - This plan, or any part of it is intended to meet the conditions of 29 CFR 2550.404c-1.
2G	Total participant-directed account plan - Participants have the opportunity to direct the investment of all the assets allocated to their individual accounts, regardless of whether 29 CFR 2550.404c-1 is intended to be met.
2H	Partial participant-directed account plan - Participants have the opportunity to direct the investment of a portion of the assets allocated to their individual accounts, regardless of whether 29 CFR 2550.404c-1 is intended to be met.
2I	Stock bonus
2J	Code section 401(k) feature - A cash or deferred arrangement described in Code section 401(k) that is part of a qualified defined contribution plan that provides for an election by employees to defer part of their compensation or receive these amounts in cash.
2K	Code section 401(m) arrangment - Employee contributions are allocated to separate accounts under the plan or employer contributions are based, in whole or in part, on employee deferrals or contribtions to the plan. Not applicable if plan is 401(k) plan with only QNECs and/or QMACs. Also not applicable if Code section 403(b)(1), 403(b)(7) or 408 arrangements/accounts/annuities.
2L	Code section 403(b)(1) arrangement - See instructions for Code section 403(b)(1) arrangements for certain exempt organizations.
2M	Code section 403(b)(7) accounts - See instructions for Code section 403(b)(7) custodial accounts for regulated investment company stock for certain exempt organizations.
2N	Code section 408 accounts and annuities - See the instructions for pension plan utilizing individual Code section 408 retirement accounts or annuities as the funding vehicle for providing benefits.
2O	ESOP other than a leveraged ESOP - A completed Schedule E must be attached to a Form 5500 filed for an Employee Stock Ownership Plan (ESOP).
2P	Leveraged ESOP - An ESOP that acquires employer securities with borrowed money or other debt-financing techniques. A completed Schedule E must be attached to a Form 5500 filed for an ESOP.

CODE	Other Pension Benefit Features
3A	Non-U.S. plan - Pension plan maintained outside the United States primarily for nonresident aliens.
3B	Plan covering Self-Employed individuals.
3C	Plan not intended to be qualified - A plan not intended to be qualified under Code sections 401, 403, or 408.
3D	Master plan - A pension plan that is made available by a sponsoring organization for adoption by employers; that is the subject of a favorable opinion letter under Revenue Procedure 89-9, 1989-1 C.B. 780, as modified by Rev. Proc. 90-21, 1990-1 C.B. 499; and for which a single funding medium (for example, a trust or custodial account) is established for the joint use of all adopting employers.
3E	Prototype plan - A pension plan that is made available by a sponsoring organization for adoption by employers; that is the subject of a favorable opinion letter under Revenue Procedures 90-21, 1990-1 C.B. 780, as modified by Rev. Proc. 90-21, 1990-1 C.B. 499; and under which a separate funding medium (for example, a separate trust or custodial account) is established for each adopting employer. See the preceding paragraph regarding the meaning of "sponsoring organization."
3F	Regional prototype plan - A pension plan that is made available by a regional sponsor for adoption by employers and that is the subject of a favorable notification letter under Rev. Proc. 89-13, 1989-1 C.B. 801, as modified by Rev. Proc. 90-21, 1990-1 C.B. 499. For this purpose, regional sponsors include individuals and organizations, other than organizations that are permitted to sponsor master or prototype plans.
3G	One-participant plan - A plan without employees as defined in 29 CFR 2510.3-3(b).
3H	Plan sponsor(s) is (are) a member(s) of a controlled group (Code sections 414(b), (c), or (m)).

CODE	Welfare Benefit Features
4A	Health (other than dental or vision)
4B	Life insurance
4C	Supplemental unemployment
4D	Dental
4E	Vision
4F	Temporary disability (accident and sickness)
4G	Prepaid legal
4H	Long-term disability
4I	Severance pay
4J	Apprenticeship and training
4K	Scholarship (funded)
4L	Death benefits (include travel accident but not life insurance)
4P	Taft-Hartley Financial Assistance for Employee Housing Expenses
4Q	Other
4R	Unfunded, fully insured, or combination unfunded/insured welfare plan that will not file a Form 5500 for next plan year pursuant to 29 CFR 2520.104-20.
4S	Unfunded, fully insured, or combination unfunded/insured welfare plan that stopped filing Form 5500s in an earlier plan year pursuant to 29 CFR 2520.104-20.

Examples:

1. A Form 5500 filed for a qualified defined benefit pension plan covered by the PBGC which provides a benefit of 2% of average annual compensation per year of service with an offset arrangement should check box 8a and enter the codes "1A", "1D" and "1G" in the boxes under box 8a as illustrated below:

a [X] Pension benefits (check this box if the plan provides pension benefits and enter the applicable pension feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

1	A	1	D	1	G										

2. A Form 5500 filed for a welfare plan providing health insurance, life insurance, dental insurance, and eye examinations should check box 8b and enter the codes "4A", "4B", "4D", and "4E" in the boxes under box 8b as illustrated below:

b [X] Welfare benefits (check this box if the plan provides welfare benefits and enter the applicable welfare feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

4	A	4	B	4	D	4	E								

3. A Form 5500 filed for a prototype profit-sharing plan with 401(k) features, providing participant direction with voluntary employee contributions and regular employer matching contributions which is intended to meet ERISA section 404(c), and which provides ancillary life insurance, should check boxes 8a and 8b and enter the codes "2E", "2F", "2J", "2K", "3E" and "4B" in the boxes under 8a and 8b as illustrated below:

a [X] Pension benefits (check this box if the plan provides pension benefits and enter the applicable pension feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

2	E	2	F	2	J	2	K	3	E						

b [X] Welfare benefits (check this box if the plan provides welfare benefits and enter the applicable welfare feature codes from the List of Plan Characteristics Codes (printed in the instructions) below).

4	B														

Form 5500 Schedules

Line 10. All attachments to the Form 5500, including schedules, must include both the EIN and the plan number entered on lines 2b and 1b of the Form 5500. Check the boxes on line 10 to indicate the schedules being filed and, where applicable, enter the number of schedules attached on the space provided. The schedules are described below.

Pension Benefit Schedules

Schedule R (Retirement Plan Information) must be completed if the Form 5500 is being filed for a pension benefit plan unless the plan is neither a defined benefit plan nor subject to Code section 412 or ERISA section 302 *and* no benefits were distributed during the plan year, or unless otherwise specified under **Limited Pension Plan Reporting** on page 7. For additional information, see the Schedule R instructions.

Schedule T (Qualified Pension Plan Coverage Information) generally must be completed for a pension benefit plan that is intended to be qualified under Code section 401(a) or section 403(a). However, Schedule T may not be required every year. For additional information, see the Schedule T instructions.

Schedule B (Actuarial Information) is required for most defined benefit pension plans and for defined contribution pension plans that currently amortize a waiver of the minimum funding specified the instructions for the Schedule B. For additional information, see the instructions for the Schedules B and R.

Schedule E (ESOP Annual Information) is required for all pension benefit plans with ESOP benefits. For additional information, see the Schedule E instructions.

Schedule SSA (Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits) may be needed to report separated participants. For additional information, see the Schedule SSA instructions.

Financial Schedules

Schedule H (Financial Information) must be attached to a Form 5500 filed for pension benefit plans and welfare benefit plans that covered 100 or more participants as of the beginning of the plan year, and to a Form 5500 filed for a MTIA, CCT, PSA, 103-12, or GIA. Employee benefit plans, 103-12 IEs, and GIAs filing the Schedule H are generally required to engage an independent qualified public accountant and attach a report of the accountant pursuant to ERISA section 103(a)(3)(A). These plans and DFEs are also generally required to attach to the Form 5500 a **"Schedule of Assets Held For Investment Purposes," "Schedule of Assets Acquired and Disposed of Within the Plan Year,"** and, if applicable, a **"Schedule of Reportable Transactions."** For additional information, see the Schedule H instructions for lines 4i and 4j and the Form 5500 instructions for **Direct Filing Entity (DFE)** on page 4.

Exceptions: *Insured, unfunded, or combination unfunded/insured welfare plans as described in 29 CFR 2520.104-44(b)(1), and fully insured pension plans as described in 29 CFR 2520.104-44(b)(2) and under* ***Limited Pension Plan Reporting*** *on page 7, are exempt from completing the Schedule H. Also, if a Form 5500-C/R was filed for the plan for the 1998 plan year and the plan covered fewer than 121 participants as of the beginning of the 1999 plan year, the Schedule I may be completed instead of the Schedule H.*

Schedule I (Financial Information - Small Plan) is required for all pension benefit plans and welfare benefit plans filing as "small plans," unless the plan is exempt as an insured, unfunded, or combination insured/unfunded welfare plan as described in 29 CFR 2520.104-20, or a fully insured pension plan as described in 29 CFR 2520.104-44(b)(2) and under **Limited Pension Plan Reporting** on page 7. For additional information, see the Schedule I instructions.

Schedule A (Insurance Information) is required if any benefits under an employee benefit plan are provided by an insurance company, insurance service or other similar organization (such as Blue Cross, Blue Shield, or a health maintenance organization). (This includes investment contracts with insurance companies, such as guaranteed investment contracts and pooled separate accounts.) For additional information, see the Schedule A instructions.

Note: *Do not file Schedule A for Administrative Services Only (ASO) contracts. Do not file Schedule A if a Schedule A is filed for the contract as part of the Form 5500 filed directly by a master trust investment account or 103-12 IE. Do not file Schedule A if the plan covers only:* **(1)** *an individual or an individual and his or her spouse who wholly own a trade or business, whether incorporated or unincorporated; or* **(2)** *partners, or partners and one or more of the partner's spouses in a partnership.*

Schedule C (Service Provider Information) is required when the Form 5500 is filed for a large plan, MTIA, 103-12 IE, or GIA and **(1)** any service provider who rendered services to the plan or DFE during the plan or DFE year received $5,000 or more in compensation, directly or indirectly from the plan or DFE or **(2)** an accountant and/or actuary has been terminated. For additional information, see the Schedule C instructions.

Schedule D (DFE/Participating Plan Information). *Part I* is required when the Form 5500 is filed for a plan or DFE that invested or participated in any MTIAs, 103-12 IEs, CCTs, and/or PSAs to provide information about these entities. *Part II* is required when the Form 5500 is filed for a DFE to provide information about the investing or participating plans. For additional information, see the Schedule D instructions.

Schedule G. (Financial Transaction Schedules) is required when the Form 5500 is filed for a large plan, MTIA, 103-12 IE, or GIA and Schedule H (Financial Information) lines 4b, 4c, and/or 4d are checked "Yes." Part I of the Schedule G reports loans or fixed income obligations in default or classified as uncollectible. Part II of the Schedule G reports leases in default or classified as uncollectible. Part III of the Schedule G reports non-exempt transactions. For additional information, see the Schedule G instructions.

CAUTION *An unfunded, fully insured, or combination unfunded/insured welfare plan with 100 or more participants exempt under 29 CFR 2520.104-44 from Schedule H must still complete Schedule G, Part III, to report nonexempt transactions.*

Schedule P (Annual Return of Fiduciary of Employee Benefit Trust) may be filed to satisfy the requirements under Code section 6033(a) for an annual information return from every section 401(a) organization exempt from tax under section 501(a). Filing this form will start the statute of limitations under section 6501(a) for any trust described in section 401(a), which is exempt from tax under section 501(a).

Fringe Benefit Schedule

Schedule F (Fringe Benefit Plan Annual Information) must be attached to the Form 5500 for all fringe benefit plans. For additional information, see the Schedule F instructions.

ERISA COMPLIANCE QUICK CHECKLIST

Compliance with the Employee Retirement Income Security Act (ERISA) begins with knowing the rules. Plan administrators and other plan officials can use this checklist as a quick diagnostic tool for assessing a plan's compliance with certain important ERISA rules; it is not a complete description of all ERISA's rules and it is not a substitute for a comprehensive compliance review. Use of this checklist is voluntary, and it should not be filed with your Form 5500.

If you answer "No" to any of the questions below, you should review your plan's operations because you may not be in full compliance with ERISA's requirements.

1. Have you provided plan participants with a summary plan description, summaries of any material modifications of the plan, and annual summary financial reports?
2. Do you maintain copies of plan documents at the principal office of the plan administrator for examination by participants and beneficiaries?
3. Do you respond to written participant inquires for copies of plan documents and information within 30 days?
4. Does your plan include written procedures for making benefit claims and appealing denied claims, and are you complying with those procedures?
5. Is your plan covered by a fidelity bond against losses due to fraud or dishonesty?
6. Are the plan's investments diversified so as to minimize the risk of large losses?
7. If the plan permits participants to select the investments in their plan accounts, has the plan provided them with enough information to make informed decisions?
8. Has a plan official determined that the investments are prudent and solely in the interest of the plan's participants and beneficiaries, and evaluated the risks associated with plan investments before making the investments?
9. Did the employer or other plan sponsor send participant contributions to the plan on a timely basis?
10. Did the plan pay participant benefits on time and in the correct amounts?

If you answer "Yes" to any of the questions below, you should review your plan's operations because you may not be in full compliance with ERISA's requirements.

1. Has the plan engaged in any financial transactions with persons related to the plan or any plan official, for example, has the plan made a loan to or participated in an investment with the employer?
2. Has the plan official used the assets of the plan for his/her own interest?
3. Have plan assets been used to pay expenses that were not authorized in the plan document, were not necessary to the proper administration of the plan, or were more than reasonable in amount?

If you need help answering these questions or want additional guidance about ERISA requirements, a plan official should contact the U.S. Department of Labor Pension and Welfare Benefits Administration office in your region or consult with the plan's legal counsel or professional employee benefit advisor.

Forms 5500 and 5500-EZ

Codes for Principal Business Activity

This list of principal business activities and their associated codes is designed to classify an enterprise by type of activity in which it is engaged. These principal activity codes are based on the North American Industry Classification System.

Agriculture, Forestry, Fishing and Hunting

Code

Crop Production
111100 Oilseed & Grain Farming
111210 Vegetable & Melon Farming (including potatoes & yams)
111300 Fruit & Tree Nut Farming
111400 Greenhouse, Nursery, & Floriculture Production
111900 Other Crop Farming (including tobacco, cotton, sugarcane, hay, peanut, sugar beet & all other crop farming)

Animal Production
112111 Beef Cattle Ranching & Farming
112112 Cattle Feedlots
112120 Dairy Cattle & Milk Production
112210 Hog & Pig Farming
112300 Poultry & Egg Production
112400 Sheep & Goat Farming
112510 Animal Aquaculture (including shellfish & finfish farms & hatcheries)
112900 Other Animal Production

Forestry and Logging
113110 Timber Tract Operations
113210 Forest Nurseries & Gathering of Forest Products
113310 Logging

Fishing, Hunting and Trapping
114110 Fishing
114210 Hunting & Trapping

Support Activities for Agriculture and Forestry
115110 Support Activities for Crop Production (including cotton ginning, soil preparation, planting, & cultivating)
115210 Support Activities for Animal Production
115310 Support Activities For Forestry

Mining

211110 Oil & Gas Extraction
212110 Coal Mining
212200 Metal Ore Mining
212310 Stone Mining & Quarrying
212320 Sand, Gravel, Clay, & Ceramic & Refractory Minerals Mining & Quarrying
212390 Other Nonmetallic Mineral Mining & Quarrying
213110 Support Activities for Mining

Utilities

221100 Electric Power Generation, Transmission & Distribution
221210 Natural Gas Distribution
221300 Water, Sewage & Other Systems

Construction

Code

Building, Developing, and General Contracting
233110 Land Subdivision & Land Development
233200 Residential Building Construction
233300 Nonresidential Building Construction

Code

Heavy Construction
234100 Highway, Street, Bridge, & Tunnel Construction
234900 Other Heavy Construction

Special Trade Contractors
235110 Plumbing, Heating, & Air-Conditioning Contractors
235210 Painting & Wall Covering Contractors
235310 Electrical Contractors
235400 Masonry, Drywall, Insulation, & Tile Contractors
235500 Carpentry & Floor Contractors
235610 Roofing, Siding, & Sheet Metal Contractors
235710 Concrete Contractors
235810 Water Well Drilling Contractors
235900 Other Special Trade Contractors

Manufacturing

Food Manufacturing
311110 Animal Food Mfg
311200 Grain & Oilseed Milling
311300 Sugar & Confectionery Product Mfg
311400 Fruit & Vegetable Preserving & Specialty Food Mfg
311500 Dairy Product Mfg
311610 Animal Slaughtering and Processing
311710 Seafood Product Preparation & Packaging
311800 Bakeries & Tortilla Mfg
311900 Other Food Mfg (including coffee, tea, flavorings & seasonings)

Beverage and Tobacco Product Manufacturing
312110 Soft Drink & Ice Mfg
312120 Breweries
312130 Wineries
312140 Distilleries
312200 Tobacco Manufacturing

Textile Mills and Textile Product Mills
313000 Textile Mills
314000 Textile Product Mills

Apparel Manufacturing
315100 Apparel Knitting Mills
315210 Cut & Sew Apparel Contractors
315220 Men's & Boys' Cut & Sew Apparel Mfg
315230 Women's & Girls' Cut & Sew Apparel Mfg
315290 Other Cut & Sew Apparel Mfg
315990 Apparel Accessories & Other Apparel Mfg

Leather and Allied Product Manufacturing
316110 Leather & Hide Tanning & Finishing
316210 Footwear Mfg (including rubber & plastics)
316990 Other Leather & Allied Product Mfg

Wood Product Manufacturing
321110 Sawmills & Wood Preservation
321210 Veneer, Plywood, & Engineered Wood Product Mfg

Code

321900 Other Wood Product Mfg

Paper Manufacturing
322100 Pulp, Paper, & Paperboard Mills
322200 Converted Paper Product Mfg

Printing and Related Support Activities
323100 Printing & Related Support Activities

Petroleum and Coal Products Manufacturing
324110 Petroleum Refineries (including integrated)
324120 Asphalt Paving, Roofing, & Saturated Materials Mfg
324190 Other Petroleum & Coal Products Mfg

Chemical Manufacturing
325100 Basic Chemical Mfg
325200 Resin, Synthetic Rubber, & Artificial & Synthetic Fibers & Filaments Mfg
325300 Pesticide, Fertilizer, & Other Agricultural Chemical Mfg
325410 Pharmaceutical & Medicine Mfg
325500 Paint, Coating, & Adhesive Mfg
325600 Soap, Cleaning Compound, & Toilet Preparation Mfg
325900 Other Chemical Product & Preparation Mfg

Plastics and Rubber Products Manufacturing
326100 Plastics Product Mfg
326200 Rubber Product Mfg

Nonmetallic Mineral Product Manufacturing
327100 Clay Product & Refractory Mfg
327210 Glass & Glass Product Mfg
327300 Cement & Concrete Product Mfg
327400 Lime & Gypsum Product Mfg
327900 Other Nonmetallic Mineral Product Mfg

Primary Metal Manufacturing
331110 Iron & Steel Mills & Ferroalloy Mfg
331200 Steel Product Mfg from Purchased Steel
331310 Alumina & Aluminum Production & Processing
331400 Nonferrous Metal (except Aluminum) Production & Processing
331500 Foundries

Fabricated Metal Product Manufacturing
332110 Forging & Stamping
332210 Cutlery & Handtool Mfg
332300 Architectural & Structural Metals Mfg
332400 Boiler, Tank, & Shipping Container Mfg
332510 Hardware Mfg
332610 Spring & Wire Product Mfg
332700 Machine Shops; Turned Product; & Screw, Nut, & Bolt Mfg
332810 Coating, Engraving, Heat Treating, & Allied Activities
332900 Other Fabricated Metal Product Mfg

Machinery Manufacturing
333100 Agriculture, Construction, & Mining Machinery Mfg
333200 Industrial Machinery Mfg
333310 Commercial & Service Industry Machinery Mfg
333410 Ventilation, Heating, Air-Conditioning, & Commercial Refrigeration Equipment Mfg
333510 Metalworking Machinery Mfg
333610 Engine, Turbine & Power Transmission Equipment Mfg

Code

333900 Other General Purpose Machinery Mfg

Computer and Electronic Product Manufacturing
334110 Computer & Peripheral Equipment Mfg
334200 Communications Equipment Mfg
334310 Audio & Video Equipment Mfg
334410 Semiconductor & Other Electronic Component Mfg
334500 Navigational, Measuring, Electromedical, & Control Instruments Mfg
334610 Manufacturing & Reproducing Magnetic & Optical Media

Electrical Equipment, Appliance, and Component Manufacturing
335100 Electric Lighting Equipment Mfg
335200 Household Appliance Mfg
335310 Electrical Equipment Mfg
335900 Other Electrical Equipment & Component Mfg

Transportation Equipment Manufacturing
336100 Motor Vehicle Mfg
336210 Motor Vehicle Body & Trailer Mfg
336300 Motor Vehicle Parts Mfg
336410 Aerospace Product & Parts Mfg
336510 Railroad Rolling Stock Mfg
336610 Ship & Boat Building
336990 Other Transportation Equipment Mfg

Furniture and Related Product Manufacturing
337000 Furniture & Related Product Manufacturing

Miscellaneous Manufacturing
339110 Medical Equipment & Supplies Mfg
339900 Other Miscellaneous Manufacturing

Wholesale Trade

Wholesale Trade, Durable Goods
421100 Motor Vehicle & Motor Vehicle Parts & Supplies Wholesalers
421200 Furniture & Home Furnishing Wholesalers
421300 Lumber & Other Construction Materials Wholesalers
421400 Professional & Commercial Equipment & Supplies Wholesalers
421500 Metal & Mineral (except Petroleum) Wholesalers
421600 Electrical Goods Wholesalers
421700 Hardware, & Plumbing & Heating Equipment & Supplies Wholesalers
421800 Machinery, Equipment, & Supplies Wholesalers
421910 Sporting & Recreational Goods & Supplies Wholesalers
421920 Toy & Hobby Goods & Supplies Wholesalers
421930 Recyclable Material Wholesalers
421940 Jewelry, Watch, Precious Stone, & Precious Metal Wholesalers
421990 Other Miscellaneous Durable Goods Wholesalers

Code

Wholesale Trade, Nondurable Goods

422100 Paper & Paper Product Wholesalers
422210 Drugs & Druggists' Sundries Wholesalers
422300 Apparel, Piece Goods, & Notions Wholesalers
422400 Grocery & Related Product Wholesalers
422500 Farm Product Raw Material Wholesalers
422600 Chemical & Allied Products Wholesalers
422700 Petroleum & Petroleum Products Wholesalers
422800 Beer, Wine, & Distilled Alcoholic Beverage Wholesalers
422910 Farm Supplies Wholesalers
422920 Book, Periodical, & Newspaper Wholesalers
422930 Flower, Nursery Stock, & Florists' Supplies Wholesalers
422940 Tobacco & Tobacco Product Wholesalers
422950 Paint, Varnish, & Supplies Wholesalers
422990 Other Miscellaneous Nondurable Goods Wholesalers

Retail Trade

Motor Vehicle and Parts Dealers

441110 New Car Dealers
441120 Used Car Dealers
441210 Recreational Vehicle Dealers
441221 Motorcycle Dealers
441222 Boat Dealers
441229 All Other Motor Vehicle Dealers
441300 Automotive Parts, Accessories, & Tire Stores

Furniture and Home Furnishings Stores

442110 Furniture Stores
442210 Floor Covering Stores
442291 Window Treatment Stores
442299 All Other Home Furnishings Stores

Electronics and Appliance Stores

443111 Household Appliance Stores
443112 Radio, Television, & Other Electronics Stores
443120 Computer & Software Stores
443130 Camera & Photographic Supplies Stores

Building Material and Garden Equipment and Supplies Dealers

444110 Home Centers
444120 Paint & Wallpaper Stores
444130 Hardware Stores
444190 Other Building Material Dealers
444200 Lawn & Garden Equipment & Supplies Stores

Food and Beverage Stores

445110 Supermarkets and Other Grocery (except Convenience) Stores
445120 Convenience Stores
445210 Meat Markets
445220 Fish & Seafood Markets
445230 Fruit & Vegetable Markets
445291 Baked Goods Stores
445292 Confectionery & Nut Stores
445299 All Other Specialty Food Stores
445310 Beer, Wine, & Liquor Stores

Health and Personal Care Stores

446110 Pharmacies & Drug Stores
446120 Cosmetics, Beauty Supplies, & Perfume Stores
446130 Optical Goods Stores
446190 Other Health & Personal Care Stores

Gasoline Stations

447100 Gasoline Stations (including convenience stores with gas)

Code

Clothing and Clothing Accessories Stores

448110 Men's Clothing Stores
448120 Women's Clothing Stores
448130 Children's & Infants' Clothing Stores
448140 Family Clothing Stores
448150 Clothing Accessories Stores
448190 Other Clothing Stores
448210 Shoe Stores
448310 Jewelry Stores
448320 Luggage & Leather Goods Stores

Sporting Goods, Hobby, Book, and Music Stores

451110 Sporting Goods Stores
451120 Hobby, Toy, & Game Stores
451130 Sewing, Needlework, & Piece Goods Stores
451140 Musical Instrument & Supplies Stores
451211 Book Stores
451212 News Dealers & Newsstands
451220 Prerecorded Tape, Compact Disc, & Record Stores

General Merchandise Stores

452110 Department stores
452900 Other General Merchandise Stores

Miscellaneous Store Retailers

453110 Florists
453210 Office Supplies & Stationery Stores
453220 Gift, Novelty, & Souvenir Stores
453310 Used Merchandise Stores
453910 Pet & Pet Supplies Stores
453920 Art Dealers
453930 Manufactured (Mobile) Home Dealers
453990 All Other Miscellaneous Store Retailers (including tobacco, candle, & trophy shops)

Nonstore Retailers

454110 Electronic Shopping & Mail-Order Houses
454210 Vending Machine Operators
454311 Heating Oil Dealers
454312 Liquefied Petroleum Gas (Bottled Gas) Dealers
454319 Other Fuel Dealers
454390 Other Direct Selling Establishments (including door-to-door retailing, frozen food plan providers, party plan merchandisers, & coffee-break service providers)

Transportation and Warehousing

Air, Rail, and Water Transportation

481000 Air Transportation
482110 Rail Transportation
483000 Water Transportation

Truck Transportation

484110 General Freight Trucking, Local
484120 General Freight Trucking, Long-distance
484200 Specialized Freight Trucking

Transit and Ground Passenger Transportation

485110 Urban Transit Systems
485210 Interurban & Rural Bus Transportation
485310 Taxi Service
485320 Limousine Service
485410 School & Employee Bus Transportation
485510 Charter Bus Industry
485990 Other Transit & Ground Passenger Transportation

Pipeline Transportation

486000 Pipeline Transportation

Scenic & Sightseeing Transportation

487000 Scenic & Sightseeing Transportation

Code

Support Activities for Transportation

488100 Support Activities for Air Transportation
488210 Support Activities for Rail Transportation
488300 Support Activities for Water Transportation
488410 Motor Vehicle Towing
488490 Other Support Activities for Road Transportation
488510 Freight Transportation Arrangement
488990 Other Support Activities for Transportation

Couriers and Messengers

492110 Couriers
492210 Local Messengers & Local Delivery

Warehousing and Storage

493100 Warehousing & Storage (except lessors of miniwarehouses & self-storage units)

Information

Publishing Industries

511110 Newspaper Publishers
511120 Periodical Publishers
511130 Book Publishers
511140 Database & Directory Publishers
511190 Other Publishers
511210 Software Publishers

Motion Picture and Sound Recording Industries

512100 Motion Picture & Video Industries (except video rental)
512200 Sound Recording Industries

Broadcasting and Telecommunications

513100 Radio & Television Broadcasting
513200 Cable Networks & Program Distribution
513300 Telecommunications (including paging, cellular, satellite, & other telecommunications)

Information Services and Data Processing Services

514100 Information Services (including news syndicates, libraries, & on-line information services)
514210 Data Processing Services

Finance and Insurance

Depository Credit Intermediation

522110 Commercial Banking
522120 Savings Institutions
522130 Credit Unions
522190 Other Depository Credit Intermediation

Nondepository Credit Intermediation

522210 Credit Card Issuing
522220 Sales Financing
522291 Consumer Lending
522292 Real Estate Credit (including mortgage bankers & originators)
522293 International Trade Financing
522294 Secondary Market Financing
522298 All Other Nondepository Credit Intermediation

Activities Related to Credit Intermediation

522300 Activities Related to Credit Intermediation (including loan brokers)

Securities, Commodity Contracts, and Other Financial Investments and Related Activities

523110 Investment Banking & Securities Dealing
523120 Securities Brokerage
523130 Commodity Contracts Dealing
523140 Commodity Contracts Brokerage

Code

523210 Securities & Commodity Exchanges
523900 Other Financial Investment Activities (including portfolio management & investment advice)

Insurance Carriers and Related Activities

524140 Direct Life, Health, & Medical Insurance & Reinsurance Carriers
524150 Direct Insurance & Reinsurance (except Life, Health & Medical) Carriers
524210 Insurance Agencies & Brokerages
524290 Other Insurance Related Activities

Funds, Trusts, and Other Financial Vehicles

525100 Insurance & Employee Benefit Funds
525910 Open-End Investment Funds (Form 1120-RIC)
525920 Trusts, Estates, & Agency Accounts
525930 Real Estate Investment Trusts (Form 1120-REIT)
525990 Other Financial Vehicles

Real Estate and Rental and Leasing

Real Estate

531110 Lessors of Residential Buildings & Dwellings
531120 Lessors of Nonresidential Buildings (except Miniwarehouses)
531130 Lessors of Miniwarehouses & Self-Storage Units
531190 Lessors of Other Real Estate Property
531210 Offices of Real Estate Agents & Brokers
531310 Real Estate Property Managers
531320 Offices of Real Estate Appraisers
531390 Other Activities Related to Real Estate

Rental and Leasing Services

532100 Automotive Equipment Rental & Leasing
532210 Consumer Electronics & Appliances Rental
532220 Formal Wear & Costume Rental
532230 Video Tape & Disc Rental
532290 Other Consumer Goods Rental
532310 General Rental Centers
532400 Commercial & Industrial Machinery & Equipment Rental & Leasing

Lessors of Nonfinancial Intangible Assets (except copyrighted works)

533110 Lessors of Nonfinancial Intangible Assets (except copyrighted works)

Professional, Scientific, and Technical Services

Legal Services

541110 Offices of Lawyers
541190 Other Legal Services

Accounting, Tax Preparation, Bookkeeping, and Payroll Services

541211 Offices of Certified Public Accountants
541213 Tax Preparation Services
541214 Payroll Services
541219 Other Accounting Services

Architectural, Engineering, and Related Services

541310 Architectural Services
541320 Landscape Architecture Services
541330 Engineering Services
541340 Drafting Services
541350 Building Inspection Services

Code

541360 Geophysical Surveying & Mapping Services
541370 Surveying & Mapping (except Geophysical) Services
541380 Testing Laboratories

Specialized Design Services

541400 Specialized Design Services (including interior, industrial, graphic, & fashion design)

Computer Systems Design and Related Services

541511 Custom Computer Programming Services
541512 Computer Systems Design Services
541513 Computer Facilities Management Services
541519 Other Computer Related Services

Other Professional, Scientific, and Technical Services

541600 Management, Scientific, & Technical Consulting Services
541700 Scientific Research & Development Services
541800 Advertising & Related Services
541910 Marketing Research & Public Opinion Polling
541920 Photographic Services
541930 Translation & Interpretation Services
541940 Veterinary Services
541990 All Other Professional, Scientific, & Technical Services

Management of Companies (Holding Companies)

551111 Offices of Bank Holding Companies
551112 Offices of Other Holding Companies

Administrative and Support and Waste Management and Remediation Services

Administrative and Support Services

561110 Office Administrative Services
561210 Facilities Support Services
561300 Employment Services
561410 Document Preparation Services
561420 Telephone Call Centers
561430 Business Service Centers (including private mail centers & copy shops)
561440 Collection Agencies
561450 Credit Bureaus
561490 Other Business Support Services (including repossession services, court reporting, & stenotype services)

Code

561500 Travel Arrangement & Reservation Services
561600 Investigation & Security Services
561710 Exterminating & Pest Control Services
561720 Janitorial Services
561730 Landscaping Services
561740 Carpet & Upholstery Cleaning Services
561790 Other Services to Buildings & Dwellings
561900 Other Support Services (including packaging & labeling services, & convention & trade show organizers)

Waste Management and Remediation Services

562000 Waste Management & Remediation Services

Educational Services

611000 Educational Services (including schools, colleges, & universities)

Health Care and Social Assistance

Offices of Physicians and Dentists

621111 Offices of Physicians (except mental health specialists)
621112 Offices of Physicians, Mental Health Specialists
621210 Offices of Dentists

Offices of Other Health Practitioners

621310 Offices of Chiropractors
621320 Offices of Optometrists
621330 Offices of Mental Health Practitioners (except Physicians)
621340 Offices of Physical, Occupational & Speech Therapists, & Audiologists
621391 Offices of Podiatrists
621399 Offices of All Other Miscellaneous Health Practitioners

Outpatient Care Centers

621410 Family Planning Centers
621420 Outpatient Mental Health & Substance Abuse Centers
621491 HMO Medical Centers
621492 Kidney Dialysis Centers
621493 Freestanding Ambulatory Surgical & Emergency Centers
621498 All Other Outpatient Care Centers

Medical and Diagnostic Laboratories

621510 Medical & Diagnostic Laboratories

Home Health Care Services

621610 Home Health Care Services

Code

Other Ambulatory Health Care Services

621900 Other Ambulatory Health Care Services (including ambulance services & blood & organ banks)

Hospitals

622000 Hospitals

Nursing and Residential Care Facilities

623000 Nursing & Residential Care Facilities

Social Assistance

624100 Individual & Family Services
624200 Community Food & Housing, & Emergency & Other Relief Services
624310 Vocational Rehabilitation Services
624410 Child Day Care Services

Arts, Entertainment, and Recreation

Performing Arts, Spectator Sports, and Related Industries

711100 Performing Arts Companies
711210 Spectator Sports (including sports clubs & racetracks)
711300 Promoters of Performing Arts, Sports, & Similar Events
711410 Agents & Managers for Artists, Athletes, Entertainers, & Other Public Figures
711510 Independent Artists, Writers, & Performers

Museums, Historical Sites, and Similar Institutions

712100 Museums, Historical Sites, & Similar Institutions

Amusement, Gambling, and Recreation Industries

713100 Amusement Parks & Arcades
713200 Gambling Industries
713900 Other Amusement & Recreation Industries (including golf courses, skiing facilities, marinas, fitness centers, & bowling centers)

Accommodation and Food Services

Accommodation

721110 Hotels (except casino hotels) & Motels
721120 Casino Hotels
721191 Bed & Breakfast Inns
721199 All Other Traveler Accommodation
721210 RV (Recreational Vehicle) Parks & Recreational Camps
721310 Rooming & Boarding Houses

Code

Food Services and Drinking Places

722110 Full-Service Restaurants
722210 Limited-Service Eating Places
722300 Special Food Services (including food service contractors & caterers)
722410 Drinking Places (Alcoholic Beverages)

Other Services

Repair and Maintenance

811110 Automotive Mechanical & Electrical Repair & Maintenance
811120 Automotive Body, Paint, Interior, & Glass Repair
811190 Other Automotive Repair & Maintenance (including oil change & lubrication shops & car washes)
811210 Electronic & Precision Equipment Repair & Maintenance
811310 Commercial & Industrial Machinery & Equipment (except Automotive & Electronic) Repair & Maintenance
811410 Home & Garden Equipment & Appliance Repair & Maintenance
811420 Reupholstery & Furniture Repair
811430 Footwear & Leather Goods Repair
811490 Other Personal & Household Goods Repair & Maintenance

Personal and Laundry Services

812111 Barber Shops
812112 Beauty Salons
812113 Nail Salons
812190 Other Personal Care Services (including diet & weight reducing centers)
812210 Funeral Homes & Funeral Services
812220 Cemeteries & Crematories
812310 Coin-Operated Laundries & Drycleaners
812320 Drycleaning & Laundry Services (except Coin-Operated)
812330 Linen & Uniform Supply
812910 Pet Care (except Veterinary) Services
812920 Photofinishing
812930 Parking Lots & Garages
812990 All Other Personal Services

Religious, Grantmaking, Civic, Professional, and Similar Organizations

813000 Religious, Grantmaking, Civic, Professional, & Similiar Organizations

1999 – *Insurance Information*
Instructions for Schedule A (Form 5500)

General Instructions

Who Must File

Schedule A, Insurance Information, must be attached to the Form 5500 filed for every defined benefit pension plan, defined contribution pension plan, and welfare benefit plan if any benefits under the plan are provided by an insurance company, insurance service, or other similar organization (such as Blue Cross, Blue Shield, or a health maintenance organization). (This includes investments with insurance companies such as guaranteed investment contracts (GICs).)

For example, if Form 5500 lines 9a(1), 9a(2), 9b(1), or 9b(2) is checked, indicating that either the plan funding arrangement or plan benefit arrangement includes an account, policy, or contract with an insurance company (or similar organization), at least one Schedule A (Form 5500) would be required to be attached to the Form 5500 filed for a pension or welfare plan to provide information concerning the contract year ending with or within the plan year.

In addition, Schedules A must be attached to a Form 5500 filed for GIAs, MTIAs, and 103-12 IEs for each insurance or annuity contract held in the MTIA, or 103-12 IE or by the GIA. See the Form 5500 instructions for specific requirements for GIAs, MTIAs, and 103-12 IEs.

Do not file Schedule A if: **(1)** the contract is an Administrative Services Only (ASO) contract; **(2)** the Form 5500 is being filed for a plan participating in an MTIA or 103-12 IE for which a Form 5500 is being filed that reports the contract on a Schedule A filed with the MTIA or 103-12 IE Form 5500; or **(3)** the Form 5500 is being filed for a plan that covers only: **(A)** an individual or an individual and his or her spouse who wholly own a trade or business, whether incorporated or unincorporated; or **(B)** partners, or partners and one or more of the partner's spouses in a partnership.

Check the Schedule A box on the Form 5500 (Part II, line 10b(3)), and enter the number attached in the space provided if one or more Schedules A are attached to the Form 5500.

Important Reminder: *The insurance company (or similar organization) is required to provide the plan administrator with the information needed to complete the return/report, pursuant to ERISA section 103(a)(2). If you do not receive this information in a timely manner, contact the insurance company (or similar organization). If information is missing on Schedule A (Form 5500) due to a refusal to provide this information, note this on the Schedule A.*

Specific Instructions

Information entered on Schedule A (Form 5500) should pertain to the insurance contract or policy year ending with or within the plan year (for reporting purposes, a year cannot exceed 12 months).

Example: If an insurance contract year begins on July 1 and ends on June 30, and the plan year begins on January 1, and ends on December 31, the information on the Schedule A attached to the 1999 Form 5500 should be for the insurance contract year ending on June 30,1999.

Exception: *If the insurance company maintains records on the basis of a plan year rather than a policy or contract year, the information entered on Schedule A (Form 5500) may pertain to the plan year instead of the policy or contract year.*

Include only the contracts issued to the plan, GIA, MTIA or 103-12 IE for which the Form 5500 is being filed.

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule A is attached.

Part I - Information Concerning Insurance Contract Coverage, Fees, and Commissions

Line 1(c). Enter the code number assigned by the National Association of Insurance Commissioners (NAIC) to the insurance company. If none has been assigned, enter zeros (-0-) in the spaces provided.

Line 1(d). If individual policies with the same carrier are grouped as a unit for purposes of this report, and the group does not have one identification number, you may use the contract or identification number of one of the individual contracts provided this number is used consistently to report these contracts as a group and the plan administrator maintains the records necessary to disclose all the individual contract numbers in the group upon request. Use separate Schedules A to report individual contracts that cannot be grouped as a unit.

Line 1(e). Since plan coverage may fluctuate during the year, the administrator should estimate the number of persons that were covered by the contract at the end of the policy or contract year. Where contracts covering individual employees are grouped, compute entries as of the end of the plan year.

Lines 1(f) and (g). Enter the beginning and ending dates of the policy year for the contract identified in 1(d). Enter "N/A" in 1(f) if separate contracts covering individual employees are grouped.

Line 2. Additional pages may be necessary to list all persons. You can get additional green ink copies by calling **1-800-TAX-FORM** (1-800-829-3676).

Totals. Enter the total of all commissions and fees paid to persons listed on line 2.

Complete a separate item (elements **(a)** through **(e)**) for each person. Enter the name and address of the person identified in element **(a)** and complete elements **(b)** through **(e)** for each person as specified below.

Element (b). Report all sales commissions regardless of the identity of the recipient. Do not report override commissions, salaries, bonuses, etc., paid to a general agent or manager for managing an agency, or for performing other administrative functions.

Element (c). Fees to be reported represent payments by insurance carriers to agents, brokers and other persons for items other than commissions (e.g., service fees, consulting fees, and finders fees). Fees paid by insurance carriers to persons other than agents and brokers should be reported here, **NOT** in Parts II and III on Schedule A as acquisition costs, administrative charges, etc. For plans, GIAs, MTIAs and 103-12 IEs required to file Part I of Schedule C, fees paid by employee benefit plans or these DFEs to agents, brokers, and other persons are also to be reported on Schedule C (Form 5500), unless the only compensation in relation to the plan or DFE consists of insurance fees and commissions listed on the Schedule A.

Note: *For purposes of line 2, commissions and fees include amounts paid by an insurance company on the basis of the aggregate value (e.g., policy amounts, premiums) of contracts or policies (or classes thereof) placed or retained. The amount (or pro rata share of the total) of such commissions or fees attributable to the contract or policy placed with or retained by the plan must be reported in element **(b)** or **(c)**, as appropriate.*

Element (e). Enter the most appropriate code

Code	Type of Organization
1	Banking, Savings & Loan Association, Credit Union or other similar financial institution
2	Trust Company
3	Insurance Agent or Broker
4	Agent or Broker other than insurance
5	Third party administrator
6	Investment Company/Mutual Fund
7	Investment Manager/Adviser
8	Labor Union
9	Foreign entity (e.g., an agent or broker, bank, insurance company, etc., not operating within the jurisdictional boundaries of the United States)
0	Other

Part II - Investment and Annuity Contract Information

Line 3. Enter the current value of the plan's interest at year end in the contract identified on line 6, e.g., deposit administration (DA), immediate participation guarantee (IPG), or guaranteed investment contracts (GIC).

Exception: *Contracts reported on line 6 need not be included on line 3 if* ***(1)*** *the Schedule A is filed for a defined benefit pension plan and the contract was entered into before March 20, 1992, or* ***(2)*** *the Schedule A is filed for a defined contribution pension plan and the contract is a fully benefit-responsive contract, i.e., it provides a liquidity guarantee by a financially responsible third party of principal and previously accrued interest for liquidations, transfers, loans, or hardship withdrawals initiated by plan participants exercising their rights to withdraw, borrow, or transfer funds under the terms of a defined contribution plan that do not include substantial restrictions to participants' access to plan funds.*

Line 5a. The rate information called for here may be furnished by attaching the appropriate schedules of current rates filed with the appropriate state insurance department or by providing a statement regarding the basis of the rates. Enter "see attached" if appropriate.

Lines 6a through 6f. Report contracts with unallocated funds. Do not include portions of these contracts maintained in separate accounts. Show deposit fund amounts rather than experience credit records when both are maintained.

Part III - Welfare Benefit Contract Information

Line 7i. Report a stop-loss insurance policy that is an asset of the plan.

Note: *Employers sponsoring welfare plans may purchase a stop loss insurance policy with the employer as the insured to facilitate the employer in managing its risk associated with its liabilities under the plan. These employer contracts with premiums paid exclusively out of the employer's general assets without any employee contributions generally are not plan assets and are not reportable on Schedule A.*

1999 – *Actuarial Information*
Instructions for Schedule B (Form 5500)

General Instructions

Who Must File

The employer or plan administrator of a defined benefit plan that is subject to the minimum funding standards (see Code section 412 and Part 3 of Title I of ERISA) must file this schedule as an attachment to the Form 5500 or Form 5500-EZ. The Schedule B does not have to be filed if Form 5500-EZ is not required to be filed (in accordance with the instructions for Form 5500-EZ); however, the funding standard account for the plan must continue to be maintained, even if the Schedule B is not filed.

Check the Schedule B box on the Form 5500 (Part II, line 10a(3)) if a Schedule B is attached to the Form 5500.

Lines A through E and G (most recent enrollment number) **must** be completed for ALL plans. If the Schedule B is attached to a Form 5500, lines A, B, C and D should include the same information as reported in Part II of the Form 5500.

Check the box in line F if the plan has 100 or fewer participants in the prior plan year. A plan has 100 or fewer participants in the prior plan year only if there were 100 or fewer participants (both active and nonactive) on each day of the preceding plan year, taking into account participants in all defined benefit plans maintained by the same employer (or any member of such employer's controlled group) who are also employees of that employer or member. Nonactive participants include vested terminated and retired employees.

All defined benefit plans, regardless of size or type, **must** complete and file Part I. Part II **must** be filed for all plans other than those specified in **1** and **2** below:

1. Part II should not be filed for multiemployer plans for which box 2 in line E is checked.

2. Part II should not be filed for plans that have 100 or fewer participants in the prior plan year as described above.

In addition, please note that "TRA '97" refers to the Taxpayer Relief Act of 1997, "RPA '94" refers to the Retirement Protection Act of 1994 and that "OBRA '87 " refers to the Omnibus Budget Reconciliation Act of 1987.

Note: *(1) For split-funded plans, the costs and contributions reported on Schedule B should include those relating to both trust funds and insurance carriers. (2) For plans with funding standard account amortization charges and credits see the instructions for lines 9c, 9j, 12j, and 13i, as applicable, regarding attachment.*

Statement by Enrolled Actuary

An enrolled actuary must sign Schedule B. The signature of the enrolled actuary may be qualified to state that it is subject to attached qualifications. See Income Tax Regulations section 301.6059-1(d) for permitted qualifications. If the actuary has not fully reflected any final or temporary regulation, revenue ruling or notice promulgated under the statute in completing the Schedule B, check the box on the last line of page 1. If this box is checked, indicate on an attachment whether an accumulated funding deficiency or a contribution that is not wholly deductible would result if the actuary had fully reflected such regulation, revenue ruling or notice. A stamped or machine produced signature is not acceptable. The most recent enrollment number must be entered in line G. In addition, the actuary may offer any other comments related to the information contained in Schedule B.

Attachments

All attachments to the Schedule B must be properly identified, and must include the name of the plan, plan sponsor's EIN, and plan number. Put "Schedule B" and the line item to which the schedule relates at the top of each attachment. When assembling the package for filing, you can place attachments for a schedule, either directly behind that schedule or at the end of the filing.

Specific Instructions for Part I

Line 1. All entries must be reported as of the valuation date.

Line 1a. Actuarial Valuation Date. The valuation for a plan year may be as of any date in the plan year, including the first or last day of the plan year. Valuations must be performed within the period specified by ERISA section 103(d) and Section 412(c)(9).

Line 1b(1). Current Value of Assets. Enter the current value of assets as of the valuation date. The current value is the same as the fair market value. Do not adjust for items such as the existing credit balance or the outstanding balances of certain amortization bases. Contributions designated for 1999 should not be included in this amount. Note that this entry may be different than the entry in line 2a. Such a difference may result, for example, if the valuation date is not the first day of the plan year, or if insurance contracts are excluded from assets reported on line 1b(1) but not on line 2a.

Rollover amounts or other assets held in individual accounts that are not available to provide defined benefits under the plan should not be included on line 1(b)(1) regardless of whether they are reported on the 1999 Schedule H (Form 5500) (line 1l, column (a)) or Schedule I (Form 5500) (line 1c, column (a)), or, alternatively, the 1999 Form 5500-EZ (line 11a, column (a): total assets at the beginning of the year). Additionally, asset and liability amounts must be determined in a consistent manner. Therefore, if the value of any insurance contracts have been excluded from the amount reported on line 1b(1), liabilities satisfied by such contracts should also be excluded from the liability values reported on lines 1c(1), 1c(2), 1d(2), and 1d(3).

Line 1b(2). Actuarial Value of Assets. Enter the value of assets determined in accordance with Code section 412(c)(2) or ERISA section 302(c)(2). Do not adjust for items such as the existing credit balance or the outstanding balances of certain amortization bases, and do not include contributions designated for 1999 in this amount.

Line 1c(1). Accrued Liability for Immediate Gain Methods. Complete this line only if you use an immediate gain method (see Rev. Rul. 81-213, 1981-2 C.B. 101, for a definition of immediate gain method).

Lines 1c(2)(a), (b), and (c). Information for Plans Using Spread Gain Methods. Complete these lines only if you use a spread gain method (see Rev. Rul. 81-213 for a definition of spread gain method).

Line 1c(2)(a). Unfunded Liability for Methods with Bases. Complete this line only if you use the frozen initial liability or attained age normal cost method.

Lines 1c(2)(b) and (c). Entry Age Normal Accrued Liability and Normal Cost. For spread gain methods, the full funding limitation is calculated using the entry age normal method (see Rev. Rul. 81-13, 1981-1 C.B. 229).

Line 1d(1). Amount Excluded from Current Liability. In computing current liability for purposes of Code section 412(l) (but not for purposes of section 412(c)(7)), certain service is disregarded under Code section 412(l)(7)(D) and ERISA section 302(d)(7)(D). If the plan has participants to whom those provisions apply, only a percentage of the years of service before such individuals became participants in the plan is taken into account. Enter the amount excluded from "RPA '94" current liability. If an employer has made an election under section 412(l)(7)(D)(iv) not to disregard such service, enter zero. Note that such an election, once made, cannot be revoked without the consent of the Secretary of the Treasury.

Lines 1d(2)(a) and 1d(3)(a). "RPA '94" Current Liability and "OBRA '87" Current Liability. All plans regardless of the number of participants must provide the information indicated in accordance with these instructions. The interest rate used to compute the "RPA '94" current liability must be in accordance with guidelines issued by the IRS, using the 90% to 105% interest rate corridor of Code section 412(l)(7)(C)(i) for plan years beginning in 1999.

The "RPA '94" current liability must be computed using the 1983 G.A.M. mortality table for non-disabled lives published in Rev. Rul. 95-28, 1995-1 C.B. 74, and may be computed taking into account the mortality tables for disabled lives published in Rev. Rul. 96-7, 1996-1 C.B. 59. The "OBRA '87" current liability is the current liability as defined in Code section 412(l)(7), but computed without regard to the limitation on the interest rate and prescribed mortality tables provided in section 412(l)(7)(C) as enacted by "RPA '94." See Q&A-9(1) of Rev. Rul. 96-21, 1996-1 C.B. 64, for the specific circumstances under which the "OBRA '87" current liability interest rate may be different from the "RPA '94" current liability interest rate.

Each other actuarial assumption used in calculating the "RPA '94" and "OBRA '87" current liabilities must be the same assumptions used for calculating other costs for the funding standard account. See Notice 90-11, 1990-1 C.B. 319. The actuary must take into account rates of early retirement and the plan's early retirement and turnover provisions as they relate to benefits, where these would significantly affect the results. Regardless of the valuation date, "RPA '94" and "OBRA '87" current liabilities are computed taking into account only credited service through the end of the prior plan year. No salary scale projections should be used in these computations. Do not include the expected increase in current liability due to benefits accruing during the plan year reported in lines 1d(2)(b) and 1d(3)(b) in these computations.

Lines 1d(2)(b) and 1d(3)(b). Expected Increase in Current Liability. Enter the amounts by which the "RPA '94" and "OBRA '87" current liabilities are expected to increase due to benefits accruing during the plan year on account of credited service and/or salary changes for the current year. One year's salary scale may be reflected.

Line 1d(2)(c). Current Liability Computed at Highest Allowable Interest Rate. Enter the current liability computed using the highest allowable interest rate (105% of the weighted average interest rate for plan years beginning in 1999). All other assumptions used should be identical to those used for lines 1d(2)(a) and (b). It is not necessary to complete line 1d(2)(c) if the plan is a multiemployer plan or if the plan had 100 or fewer participants in the prior plan year. Whether or not a plan had 100 or fewer participants in the prior plan year is determined in accordance with the instructions under **Who Must File**. This line need not be completed if the actuarial value of assets (line 1b(2)) divided by the "RPA '94" current liability (line 1d(2)(a)) is greater than or equal to 90%. However, if this line is not completed, sufficient records should be retained so that the current liability amount that would otherwise have been entered on this line can be computed at a later time if required.

Lines 1d(2)(d) and 1d(3)(c). Do not complete these lines if Code section 412(l) does not apply to the plan for this plan year under Code sections 412(l)(1), 412(l)(6), or 412(l)(9).

Line 1d(2)(d). Expected Release from "RPA '94" Current Liability for the Plan Year. If applicable, enter the expected release from "RPA '94" current liability on account of disbursements (including single sum distributions) from the plan expected to be paid after the valuation date but prior to the end of the plan year (see also Q&A-7 of Rev. Rul. 96-21). This line is applicable if the employer has elected the Transition Rule of Code section 412(l)(11) for the plan year.

Line 1d(3)(c). Expected Release from "OBRA '87" Current Liability for the Plan Year. If applicable, enter the expected release from "OBRA '87" current liability on account of disbursements (including single sum distributions) from the plan expected to be paid after the valuation date but prior to the end of the plan year (see also Q&A-7 of Rev. Rul. 96-21).

Line 1d(4). Expected Plan Disbursements. Enter the amount of plan disbursements expected to be paid for the plan year (plans for which the Transition Rule of section 412(l)(11) is being elected, see also Q&A-8 of Rev. Rul. 96-21).

Line 2. All entries must be reported as of the beginning of the 1999 plan year. Lines 2a and 2b should include all assets and liabilities under the plan except for assets and liabilities attributable to: **(1)** rollover amounts or other amounts in individual accounts that are not available to provide defined benefits, or **(2)** benefits for which an insurer has made an irrevocable commitment as defined in 29 CFR 4001.2.

Line 2a. Current Value of Assets. Enter the current value of net assets as of the first day of the plan year. Except for plans with excluded assets as described above, this entry should be the same as reported on the 1999 Schedule H (Form 5500) (line 1l, column (a)) or Schedule I (Form 5500) (line 1c, column (a)), or, alternatively, the 1999 Form 5500-EZ (line 11a, column (a): total assets at the beginning of the year). Note that contributions designated for the 1999 plan year are not included on those lines.

Line 2b. "RPA '94" Current Liability (beginning of plan year). Enter the "RPA '94" current liability as of the first day of the plan year. Do not include the expected increase in current liability due to benefits accruing during the plan year. See the instructions for lines 1d(2)(a) and 1d(3)(a) for actuarial assumptions used in determining "RPA '94" current liability.

Column (1)—Enter the number of participants and beneficiaries as of the beginning of the plan year. If the current liability figures are derived from a valuation that follows the first day of the plan year, the participant and beneficiary count entries should be derived from the counts used in that valuation in a manner consistent with the derivation of the current liability reported in columns (2) and (3).

Column (2)—Include only the portion of the current liability attributable to vested benefits.

Column (3)—Include the current liability attributable to all benefits, both vested and nonvested.

Line 2c. This calculation is required under ERISA section 103(d)(11). Do not complete if line 2a divided by line 2b(4), column (3), is 70% or greater.

Line 3. Contributions Made to Plan. Show all employer and employee contributions for the plan year. Include employer contributions made not later than 2½ months (or the later date allowed under Code section 412(c)(10) and ERISA section 302(c)(10)) after the end of the plan year. Show only contributions actually made to the plan by the date Schedule B is signed. Certain employer contributions must be made in quarterly installments. See Code section 412(m). Note that contributions that are made to meet the liquidity requirement of Code section 412(m)(5) should be reported.

Add the amounts in both columns (b) and (c) and enter both results on the total line. All contributions must be credited toward a particular plan year.

Line 4a. Quarterly Contributions. In accordance with" RPA '94", only plans that have a funded current liability percentage (as provided in Rev. Rul. 95–31, 1995-1 C.B. 76) for the preceding plan year of less than 100 percent are subject to the quarterly contribution requirement of Code section 412(m) and ERISA section 302(e). For 1999, the funded current liability percentage for the preceding plan year is equal to line 1b(2) (actuarial value of assets) divided by line 1d(2)(a) (" RPA '94" current liability), both lines as reported on the 1998 Schedule B (Q&A-3, 4 and 5 of Rev. Rul. 95-31, also provide guidance on this computation).

Line 4b. Multiemployer plans, plans with funded current liability percentages (as provided in Code section 412(m)(1)) of 100 percent or more for the preceding plan year, and plans that on every day of the preceding plan year had 100 or fewer participants (as defined under **Who Must File**) are not subject to the liquidity requirement of Code section 412(m)(5) and ERISA section 302(e)(5) and should not complete this line. See Q&A's 7 through 17 of Rev. Rul. 95-31 for guidance on the liquidity requirement. Note that a certification by the enrolled actuary must be attached if the special rule for nonrecurring circumstances is used (see Code section 412(m)(5)(E)(ii)(II) and Q&A-13 of Rev. Rul. 95-31).

If the plan has a liquidity shortfall for any quarter of the plan year (see Q&A-10 of Rev. Rul. 95-31), enter the amount of the liquidity shortfall for each such quarter. If the plan was subject to the liquidity requirement, but did not have a liquidity shortfall, enter zero. File **Form 5330**, Return of Excise Taxes Related to Employee Benefit Plans, with the IRS to pay the 10% excise

tax(es) if there is a failure to pay the liquidity shortfall by the required due date, unless a waiver of the 10% tax under Code section 4971(f) has been granted.

Line 5. Actuarial Cost Method. Enter only the primary method used. If the plan uses one actuarial cost method in one year as the basis of establishing an accrued liability for use under the frozen initial liability method in subsequent years, answer as if the frozen initial liability method was used in all years. The projected unit credit method is included in the "Accrued benefit (unit credit)" category of line 5c. If a method other than a method listed in lines 5a through 5g is used, check the box for line 5h and specify the method. For example, if a modified individual level premium method for which actuarial gains and losses are spread as a part of future normal cost is used, check the box for 5h and describe the cost method. For the shortfall method, check the appropriate box for the underlying actuarial cost method used to determine the annual computation charge.

Changes in funding methods include changes in actuarial cost method, changes in asset valuation method, and changes in the valuation date of plan costs and liabilities or of plan assets. Changes in the funding method of a plan include not only changes to the overall funding method used by the plan but also changes to each specific method of computation used in applying the overall method. Generally, these changes require IRS approval. If the change was made pursuant to Rev. Proc. 95-51, 1995-2 C.B. 430 (as modified by Rev. Proc. 98-10, 1998-2 I.R.B. 35 and Rev. Proc. 99-45, 1999-49 I.R.B. 603), check "yes" in line 5j. If approval was granted by either an individual ruling letter or a class ruling letter for this plan, enter the date of the applicable ruling letter in line 5k. Note that the plan sponsor's agreement to a change in funding method (made pursuant to Rev. Proc. 95-51 or a class ruling letter) should be reported on line 7 of Schedule R (Form 5500).

Line 6. Actuarial Assumptions. If gender-based assumptions are used in developing plan costs, enter those rates where appropriate in line 6. Note that requests for gender-based cost information do not suggest that gender-based benefits are legal. If unisex tables are used, enter the values in both "Male" and "Female" lines. Complete all blanks. Check "N/A" if not applicable.

Attach a statement of actuarial assumptions (if not fully described by line 6), and actuarial methods used to calculate the figures shown in lines 1 and 9 (if not fully described by line 5).

Also attach a summary of the principal eligibility and benefit provisions on which the valuation was based, an identification of benefits not included in the valuation, a description of any significant events that occurred during the year, a summary of any changes in principal eligibility or benefit provisions since the last valuation, a description (or reasonably representative sample) of plan early retirement factors, and any change in actuarial assumptions or cost methods and justifications for any such change (see section 103(d) of ERISA).

Also, include any other information needed to fully and fairly disclose the actuarial position of the plan.

Line 6a(1). "RPA '94" Current Liability Interest Rate. Enter the interest rate used to determine "RPA '94" current liability. For plan years beginning in 1999, the interest rate used must not fall outside the corridor of 90% to 105% of the weighted average interest rate (See Code section 412(l)(7)(C)(i)). The rate used must be in accordance with the guidelines issued by the IRS. See Notice 90-11 and Rev. Rul. 96-21. Enter rate to the nearest .01 percent.

Line 6a(2). "OBRA '87" Current Liability Interest Rate. Enter the interest rate used to determine "OBRA '87" current liability. The interest rate used must not fall outside the corridor of 90% to 110% of the weighted average interest rate. The rate used must be in accordance with the guidelines issued by the IRS. See Notice 90-11 and Rev. Rul. 96-21. Enter rate to the nearest .01 percent.

Line 6b. Weighted Average Retirement Age. If each participant is assumed to retire at his/her normal retirement age, enter the age specified in the plan as normal retirement age. If the normal retirement age differs for individual participants, enter the age that is the weighted average normal retirement age; do not enter "NRA." Otherwise, enter the assumed retirement age. If the valuation uses rates of retirement at various ages, enter the nearest whole age that is the weighted average retirement age. On an attachment to Schedule B, list the rate of retirement at each age and describe the methodology used to compute the weighted average retirement age, including a description of the weight applied at each potential retirement age.

Line 6c. Check "Yes," if the rates in the contract were used (e.g., purchase rates at retirement).

Line 6d. Mortality Table. The 1983 G.A.M. mortality table published in Rev. Rul. 95-28 must be used in the calculation of "RPA '94 " current liability for non-disabled lives. The mortality tables published in Rev. Rul. 96-7 may be used in the calculation of "RPA '94" current liability for disabled lives. Enter the mortality table code for non-disabled lives used for "OBRA '87" current liability (see instructions for lines 1d(2)(a) and 1d(3)(a)) and for valuation purposes as follows:

Mortality Table	Code
1951 Group Annuity	1
1971 Group Annuity Mortality (G.A.M.)	2
1971 Individual Annuity Mortality (I.A.M.)	3
UP-1984	4
1983 I.A.M.	5
1983 G.A.M.	6
1983 G.A.M. (solely per Rev. Rul. 95-28)	7
UP-1994	8
Other	9
None	0

Code 6 includes all sex-distinct versions of the 1983 G.A.M. table other than the table published in Rev. Rul. 95-28. Thus, for example, Code 6 also would include the 1983 G.A.M. male-only table used for males, where the 1983 G.A.M. male-only table with a 6-year setback is used for females. Code 9 includes mortality tables other than those listed in Codes 1 through 8, including any unisex version of the 1983 G.A.M. table including the table published by the Service in Rev. Rul. 95-6, 1995-1 C.B. 80.

Where an indicated table consists of separate tables for males and females, add F to the female table (e.g., 1F). When a projection is used with a table, follow the code with "P" and the year of projection (omit the year if the projection is unrelated to a single calendar year); the identity of the projection scale should be omitted. When an age setback or set forward is used, indicate with "-" or "+" and the number of years. For example, if for females the 1951 Group Annuity Table with Projection C to 1971 is used with a 5-year setback, enter "1P71-5." If the table is not one of those listed, enter "9" with no further notation. If the valuation assumes a maturity value to provide the post-retirement income without separately identifying the mortality, interest and expense elements, under "post-retirement," enter on line 6d the value of $1.00 of monthly pension beginning at the age shown on line 6b, assuming the normal form of annuity for an unmarried person; in this case check "N/A" on lines 6e and 6f.

Line 6e. Valuation Liability Interest Rate. Enter the assumption as to the expected interest rate (investment return) used to determine all the calculated values with the exception of current liability and liabilities determined under the alternative funding standard account (see instructions for line 8b). If the assumed rate varies with the year, enter the weighted average of the assumed rate for 20 years following the valuation date. Enter rates to the nearest .01 percent.

Line 6f. Expense Loading. If there is no expense loading, enter -0-. For instance, there would be no expense loading attributable to investments if the rate of investment return on assets is adjusted to take investment expenses into account. If there is a single expense loading not separately identified as pre-retirement or post-retirement, enter it under pre-retirement and check "N/A" under post-retirement. Where expenses are assumed other than as a percentage of plan costs or liabilities, enter the assumed pre-retirement expense as a percentage of

the plan's normal cost, and enter the post-retirement expense as a percentage of plan liabilities. If the normal cost of the plan is zero, enter the assumed pre-retirement expense as a percentage of the sum of the lines 9c(1) and 9c(2), minus line 9j. Enter rates to the nearest .1 percent.

Line 6g. Annual Withdrawal Rates. Enter rates to the nearest .01 percent. Enter the rate assumed for a new entrant to the plan at the age shown. Enter "S" before the rate if that rate is different for participants with the same age but longer service. Enter "U" before the rate if all participants of that age are assumed to experience the same withdrawal rates, regardless of service. Enter "C" before the rate if criteria other than service apply to the rates used.

Line 6h. Salary Scale. If a uniform level annual rate of salary increase is used, enter that annual rate. Otherwise, enter the level annual rate of salary increase that is equivalent to the rate(s) of salary increase used. Enter the annual rate as a percentage to the nearest .01 percent, used for a participant from age 25 to assumed retirement age. If the plan's benefit formula is not related to compensation, check "N/A".

Line 6i. Estimated Investment Return. Enter the estimated rate of return on the actuarial value of plan assets for the 1-year period ending on the valuation date. For this purpose, the rate of return is determined by using the formula 2I/(A + B - I), where I is the dollar amount of the investment return under the asset valuation method used for the plan, A is the actuarial value of the assets one year ago, and B is the actuarial value of the assets on the current valuation date. Enter rates to the nearest .1 percent. If entering a negative number, enter a minus sign "–" to the left of the number.

Note: *Use the above formula even if the actuary feels that the result of using the formula does not represent the true estimated rate of return on the actuarial value of plan assets for the 1-year period ending on the valuation date. The actuary may attach a statement showing both the actuary's estimate of the rate of return and the actuary's calculations of that rate.*

Line 7. New Amortization Bases Established. List all new amortization bases established in the current plan year (prior to the combining of bases, if bases were combined). Use the following table to indicate the type of base established, and enter the appropriate code under "Type of Base." List amortization bases and charges and/or credits as of the valuation date. Bases that are considered fully amortized because there is a credit for the plan year on line 9l(4) should be listed. If entering a negative number, enter a minus sign "–" to the left of the number.

Code	Type of Amortization Base
1	Experience gain or loss
2	Shortfall gain or loss
3	Change in unfunded liability due to plan amendment
4	Change in unfunded liability due to change in actuarial assumptions
5	Change in unfunded liability due to change in actuarial cost method
6	Waiver of the minimum funding standard
7	Switchback from alternative funding standard account
8	Initial unfunded liability (for new plan)
9	155% current liability full funding limitation base

Line 8a. Funding Waivers or Extensions. If a funding waiver or extension request is approved after the Schedule B is filed, an amended Schedule B should be filed with Form 5500 to report the waiver or extension approval (also see instructions for line 9m(1)).

Line 8b. Alternative Methods or Rules. Enter the appropriate code from the table below if one or more of the alternative methods or rules were used for this plan year.

Code	Method or Rule
1	Shortfall method
2	Alternative funding standard account (AFSA)
3	Shortfall method used with AFSA
4	Plan is in reorganization status
5	Shortfall method used when in reorganization status

Shortfall Method: Only certain collectively bargained plans may elect the shortfall funding method (see regulations under Code section 412). Advance approval from the IRS for the election of the shortfall method of funding is NOT required if it is first adopted for the first plan year to which Code section 412 applies. However, advance approval from the IRS is required if the shortfall funding method is adopted at a later time, if a specific computation method is changed, or if the shortfall method is discontinued.

Alternative Minimum Funding Standard Account: A worksheet must be attached if the alternative minimum funding standard account is used. The worksheet should show:

1. The prior year alternate funding deficiency (if any).

2. Normal cost.

3. Excess, if any, of the value of accrued benefits over the market value of assets.

4. Interest on **1, 2,** and **3** above.

5. Employer contributions (total from columns (b) of line 3 of Schedule B.

6. Interest on **5** above.

7. Funding deficiency: if the sum of **1** through **4** above is greater than the sum of **5** and **6** above, enter the difference.

If the entry age normal cost method was not used as the valuation method, the plan may not switch to the alternative minimum funding standard account for this year. Additionally, in line **3** of the worksheet, the value of accrued benefits should exclude benefits accrued for the current plan year. The market value of assets should be reduced by the amount of any contributions for the current plan year.

Reorganization Status: Attach an explanation of the basis for the determination that the plan is in reorganization for this plan year. Also, attach a worksheet showing for this plan year:

1. The amounts considered contributed by employers,

2. Any amount waived by the IRS,

3. The development of the minimum contribution requirement (taking into account the applicable overburden credit, cash-flow amount, contribution bases and limitation on required increases on the rate of employer contributions), and

4. The resulting accumulated funding deficiency, if any, which is to be reported on line 9p.

Line 8c. All multiemployer plans check "No". Plans other than multiemployer plans check "Yes" only if the plan is covered by Title IV of ERISA.

If line 8c is "Yes" attach a schedule of the active plan participant data used in the valuation for this plan year. Use the same size paper as the Schedule B and the format shown on the next page and label the schedule **"Schedule B, Line 8c–Schedule of Active Participant Data."**

Expand this schedule by adding columns after the "5 to 9" column and before the "40 & up" column for active participants with total years of credited service in the following ranges: 10 to 14; 15 to 19; 20 to 24; 25 to 29; 30 to 34; and 35 to 39. For each column, enter the number of active participants with the specified number of years of credited service divided according to age group. For participants with partial years of credited service, round the total number of years of credited service to the next lower whole number.

Plans reporting 1,000 or more active participants on line 2b(3) must also provide average compensation data. For each grouping, enter the average compensation of the active participants in that group. For this purpose, compensation is the compensation taken into account for each participant under the plan's benefit formula, limited to the amount defined under section 401(a)(17) of the Code. Years of credited service are the years credited under the plan's benefit formula. Do not enter the

Schedule B, Line 8c—Schedule of Active Participant Data

Attained Age	YEARS OF CREDITED SERVICE							
	Under 1		1 to 4		5 to 9		40 & up	
	No.	Avg. Comp.	No.	Avg. Comp.	No.	Avg. Comp.	No.	Avg. Comp.
Under 25								
25 to 29								
30 to 34								
35 to 39								
40 to 44								
45 to 49								
50 to 54								
55 to 59								
60 to 64								
65 to 69								
70 & up								

average compensation in any grouping that contains fewer than 20 participants.

If the plan is a multiple-employer plan, complete one or more schedules of active-participant data in a manner consistent with the computations for the funding requirements reported on line 9. See the specific instructions for **Lines 9a through 9q.** For example, if the funding requirements are computed as if each participating employer maintained a separate plan, attach a separate schedule for each participating employer in the multiple-employer plan.

Line 9. Shortfall Method. Under the shortfall method of funding, the normal cost in the funding standard account is the charge per unit of production (or per unit of service) multiplied by the actual number of units of production (or units of service) that occurred during the plan year. Each amortization installment in the funding standard account is similarly calculated.

Lines 9a through 9q. Multiple Employer Plans. If the plan is a multiple employer plan subject to the rules of Code section 413(c)(4)(A) for which minimum funding requirements are to be computed as if each employer were maintaining a separate plan, complete one Schedule B for the plan. Also submit an attachment completed in the same format as lines 9a through 9q showing, for this plan year, for each individual employer maintaining the plan, the development of the minimum contribution requirement (taking into account the applicable normal cost, amortization charges and credits, and all other applicable charges or credits to the funding standard account that would apply if the employer were maintaining a separate plan). Compute the entries on Schedule B, except for the entries on lines 9a, 9h, 9o, and 9p, as the sum of the appropriate individual amounts computed for each employer. Compute the entry on line 9a as the sum of the prior year's funding deficiency, if any, for each individual employer and the entry on line 9p as the sum of the separately computed funding deficiency, if any, for the current year for each employer. Credit balance amounts on lines 9h and line 9o are separately computed in the same manner. (Note that it is possible for the Schedule B to show both a funding deficiency and a credit balance for section 413(c) plans. This could not appear for other plans.)

Lines 9c and 9j. Amortization Charges and Credits. If there are any amortization charges or credits, attach a maintenance schedule of funding standard account bases. The attachment should clearly indicate the type of base (i.e., original unfunded liability, amendments, actuarial losses, etc.), the outstanding balance of each base, the number of years remaining in the amortization period, and the amortization amount. If bases were combined in the current year, the attachment should show information on bases both prior to and after the combining of bases.

The outstanding balance and amortization charges and credits must be calculated as of the valuation date for the plan year.

Line 9c(1). 155% Current Liability Full Funding Limitation Base. If a credit was entered on line 9l(5) on the prior year's Schedule B, establish a new base equal to the amount of the credit (increased with interest to the current valuation date at the valuation rate) and amortize the base over a 20-year period at the valuation rate.

Note: *For any such base remaining at the end of the 1998 plan year, the remaining amortization period is 20 years minus the number of years since the base was established.*

Line 9c(2). Amortization for funding waivers must be based on the interest rate provided in Section 412(d) ("mandated rate").

Line 9d. Interest as Applicable. Interest as applicable should be charged to the last day of the plan year. The mandated rates must be used when calculating interest on any amortization charges for funding waivers.

Line 9e. If the funded current liability percentage for the preceding year reported in line 4a is at least 100%, quarterly contributions are not required for the current plan year.

Interest is charged for the entire period of underpayment. Refer to IRS Notice 89-52, 1989-1 C.B. 692, for a description of how this amount is calculated.

Note: *Notice 89-52 was issued prior to the amendment of section 412(m)(1) by the Revenue Reconciliation Act of 1989. Rather than using the rate in the Notice, the applicable interest rate for this purpose is the greater of:*

1. *175% of the Federal mid-term rate at the beginning of the plan year, or*

2. *The rate used to determine the "RPA '94" current liability.*

All other descriptions of the additional interest charge contained in Notice 89-52 still apply.

Line 9f. Enter the required additional funding charge from line 12u. Enter "N/A" if line 12 is not applicable.

Line 9h. Note that the credit balance or funding deficiency at the end of "Year X" should be equal to the credit balance or funding deficiency at the beginning of "Year X+1." If such credit balances or funding deficiencies are not equal, attach an explanation. For example, if the difference is because contributions for a prior year which were not previously reported are received this plan year, attach a listing of the amounts and dates of such contributions.

Line 9l(1). ERISA Full Funding Limitation. Instructions for this line are reserved pending published guidance.

Line 9l(2). 155% Current Liability Full Funding Limitation. Instructions for this line are reserved pending published guidance.

Line 9l(3). "RPA '94" Override. Instructions for this line are reserved pending published guidance.

Line 9l(4). Full Funding Credit before reflecting "OBRA '87" Full Funding Limitation. Enter the excess of (1) the accumulated funding deficiency, disregarding the credit balance and contributions for the current year, if any, over (2) the greater of lines 9l(1) or 9l(3).

Line 9l(5). Additional Credit due to "OBRA '87 " Full Funding Limitation. Enter (1) the excess, if any, of the accumulated funding deficiency, disregarding the credit balance and contributions for the current plan year, over the greater of lines 9l(2) or 9l(3), minus (2) the amount in line 9l(4). If the result is negative, enter zero.

Line 9m(1). Waived Funding Deficiency Credit. Enter a credit for a waived funding deficiency for the current plan year (Code section 412(b)(3)(C)). If a waiver of a funding deficiency is pending, report a funding deficiency. If the waiver is granted after Form 5500 is filed, file Form 5500, page one only with an amended Schedule B to report the funding waiver.

Line 9m(2). Other Credits. Enter a credit in the case of a plan for which the accumulated funding deficiency is determined under the funding standard account if such plan year follows a plan year for which such deficiency was determined under the alternative minimum funding standard.

Line 9q. Reconciliation Account. The reconciliation account is made up of those components that upset the balance equation of Income Tax Regulations section 1.412(c)(3)-1(b). Valuation assets should not be adjusted by the reconciliation account balance when computing the required minimum funding.

Line 9q(1). The accumulation of additional funding charges for prior plan years must be included. Enter the sum of line 9q(1) (increased with interest at the valuation rate to the first day of the current plan year) and line 9f, both from the prior year's Schedule B (Form 5500).

Line 9q(2). The accumulation of additional interest charges due to late or unpaid quarterly installments for prior plan years must be included. Enter the sum of line 9q(2) (increased with interest at the valuation rate to the first day of the current plan year) and line 9e, both from the prior year's Schedule B (Form 5500).

Line 9q(3)(a). If a waived funding deficiency is being amortized at an interest rate that differs from the valuation rate, enter the prior year's "reconciliation waiver outstanding balance" increased with interest at the valuation rate to the current valuation date and decreased by the year end amortization amount based on the mandated interest rate. Enter the amounts as of the valuation date.

Line 9q(4). Enter the sum of lines 9q(1), 9q(2), and 9q(3)(b) (each adjusted with interest at the valuation rate to the current valuation date, if necessary).

Note: *The net outstanding balance of amortization charges and credits minus the prior year's credit balance minus the amount on line 9q(4) (each adjusted with interest at the valuation rate, if necessary) must equal the unfunded liability.*

Line 10. Contribution Necessary to Avoid Deficiency. Enter the amount from line 9p. However, if the alternative funding standard account is elected and the accumulated funding deficiency under that method is smaller than line 9p, enter such amount (also see instructions for line 8b). For multiemployer plans in reorganization, see the instructions for line 8b. File Form 5330 with the IRS to pay the 10% excise tax (5% in the case of a multiemployer plan) on the funding deficiency.

Line 11. In accordance with ERISA section 103(d)(3), attach a justification for any change in actuarial assumptions for the current plan year. The preceding sentence applies for all plans.

The following instructions are applicable only to changes in current liability assumptions for plans (other than multiemployer plans) subject to Title IV of ERISA which resulted in a decrease in the unfunded current liability (UCL). If the current liability assumptions (other than a change in the assumptions required under Code section 412(l)(7)(C)) were changed for the current plan year and such change resulted in a decrease in UCL, approval for such a change may be required. However, if one of the following three conditions is satisfied with respect to a change in assumptions for a plan year, then the plan sponsor is not required to obtain approval from the IRS for such change(s):

Condition 1: Aggregate Unfunded Vested Benefits

The aggregate unfunded vested benefits as of the close of the plan year preceding the year in which assumptions were changed (as determined under section 4006(a)(3)(E)(iii) of ERISA) for the plan, and all other plans maintained by contributing sponsors (as defined in section 4001(a)(13) of ERISA) and members of such sponsor's controlled group (as defined in section 4001(a)(14) of ERISA) which are covered by Title IV of ERISA (disregarding plans with no unfunded vested benefits) is less than or equal to $50 million.

Condition 2: Amount of Decrease in UCL

The change in assumptions (other than a change required under Code section 412(l)(7)(C)) resulted in a decrease in the UCL of the plan for the plan year in which the assumptions were changed of less than or equal to $5 million.

Condition 3: Amount of Decrease in UCL, and CL Before Change in Assumptions

Although the change in assumptions (other than a change required under Code section 412(l)(7)(C)) resulted in a decrease in the UCL of the plan for the plan year in which the assumptions were changed which was greater than $5 million and less than or equal to $50 million, the decrease was less than five percent of the current liability of the plan before such change.

If the current liability assumptions for the plan have been changed, and such change requires approval of the Service, enter on an attachment the date(s) of the ruling letter(s) granting approval.

If the current liability assumptions for the plan have been changed, and such change would have required approval in the absence of satisfaction of one of the conditions outlined above, enter on an attachment the number of the applicable condition and the plan year for which it applies. If condition 1 or 2 applies, also enter the amount of the decrease in UCL. Note that only one of the conditions needs to be entered.

Specific Instructions for Part II

Line 12. Additional Required Funding Charge. There is no additional funding charge for plans that have 100 or fewer participants in the prior plan year (as defined under **Who Must File**). Do not complete Part II for such plans.

Line 12a. A plan's "Gateway %" is equal to the actuarial value of assets (line 1b(2), unreduced by any credit balance) divided by the current liability computed with the highest allowable interest rate (line 1d(2)(c)). If line 1d(2)(c) is not completed in accordance with instructions for that line, use "RPA '94" current liability reported on line 1d(2)(a). There is no additional funding charge for plan years beginning in 1999 if the "Gateway %" is at least 90%. In such cases, enter -0- on line 12u. There is no additional funding charge for plan years beginning in 1999 if (a) the "Gateway %" (for 1999) is at least 80% but less than 90%, and (b) the "Gateway %" for the plan years beginning in 1998 and 1997 were at least 90%, or, the "Gateway %" for the plan years beginning in 1997 and 1996 were at least 90% (in such case, enter -0- on line 12u)

Note: *Section 1508 of TRA '97 provided transition rules for certain plans sponsored by companies engaged primarily in the interurban or interstate passenger bus service that have "Gateway" percentages that are greater than certain prescribed minimum percentages. These transition rules are effective for such plans for any plan year beginning after 1996 and before 2010. If one of these transition rules is used, line 12a should be completed, and, if appropriate, a zero should be entered in line 12u. Attach a demonstration of the use of this transition rule to the Schedule B.*

Line 12c. Enter the actuarial value of assets (line 1b(2)), reduced by the prior year's credit balance (line 9h). If line 9h was determined at a date other than the valuation date, adjust the credit balance for interest at the valuation rate to the current valuation date before subtracting. Do not add a prior year's funding deficiency to the assets.

Line 12d. Current Liability Percentage. Enter the actuarial value of the assets expressed as a percentage of "RPA '94" current liability. Enter the result to the nearest .01% (e.g., 28.72%).

Line 12f. Enter the liability for any unpredictable contingent event (other than events that occurred before the first plan year beginning after 1988) that was included in line 12b, whether or not such unpredictable contingent event has occurred.

Line 12g. Enter the outstanding balance of the unfunded old liability as of the valuation date. This is line 12(g) of the 1998 Schedule B reduced by the prior year's amortization amount, and adjusted for interest at the prior year's current liability interest rate from the prior year's valuation date to the current valuation date. The unfunded old liability (and therefore all its components) will be considered fully amortized in accordance with Q&A-7 of Rev. Rul. 96-20, 1996-1 C.B. 62.

Note: *In the case of a collectively bargained plan, this amount must be increased by the unamortized portion of any "unfunded existing benefit increase liability" in accordance with Code section 412(l)(3)(C).*

Line 12h. This amount is the unfunded new liability. It is recomputed each year. If a negative result is obtained, enter zero.

Line 12i. If the unfunded new liability is zero, enter zero for the unfunded new liability amount. If the unfunded new liability is greater than zero, first calculate the amortization percentage as follows:

1. If the funded current liability percentage (line 12d) is less than or equal to 60%, the amortization percentage is 30%.

2. If the current liability percentage exceeds 60%, the amortization percentage is determined by reducing 30% by the product of 40% and the amount of such excess. Enter the resulting amortization percentage to the nearest 0.01 percent.

The unfunded new liability amount is equal to the above-calculated percentage of the unfunded new liability.

Line 12j. Enter the amortization amount for line 12g based on the "RPA '94" current liability interest rate (line 6a(1)) in effect for the plan year and the following amortization period:

In general: For the 1999 plan year, the remaining amortization period is 8 years.

Special rule: In the case of a collectively bargained plan, the amortization amount must be increased by the amortization of any "unfunded existing benefit increase liability" in accordance with Code section 412(l)(3)(C)(ii). For any such amortization, the amortization period is equal to the remainder of the original 18-year period that applied when the amortization began.

Base maintenance: On a separate attachment, show the initial amount of each DRC amortization base (as defined in Rev. Rul. 96-20) being amortized under the general or special rule, the outstanding balance of each DRC amortization base, the number of years remaining in the amortization period, and the amortization amount (with the valuation date as the due date of the amortization amount). It is not necessary to separately list the unfunded old liability base and the additional unfunded old liability base. Do not enter base maintenance required for line 13 here. See instructions for line 13(i) only if applicable.

Line 12l. Enter the result determined by subtracting the amortization credits (line 9j) from the sum of the normal cost and the amortization charges (lines 9b, 9c(1) and 9c(2)). Use the valuation date as the due date for the amortization amounts. If entering a negative number, enter a minus sign "–" to the left of the number.

Note: *Any amortization installments established under Code section 412(b) for plan years beginning after December 31, 1987, and before January 1, 1993, by reason of nonelective changes under the frozen initial liability method shall not be included in the calculation of the offset for the first 5 plan years beginning after December 31, 1994.*

Line 12m. Unpredictable Contingent Event Amount. Line 12m does not apply to the unpredictable contingent event benefits (and related liabilities) for an event that occurred before the first plan year beginning after December 31, 1988.

Line 12m(1). Enter the total of all benefits paid during the plan year that were paid solely because an unpredictable event occurred.

Line 12m(5). Amortization of All Unpredictable Contingent Event Liabilities. Amortization should be based on the "RPA '94" current liability interest rate (line 6a(1)), using the valuation date as the due date. The initial amortization period for each base established in a plan year is generally 7 years, however see Code section 412(l)(5) for special rules.

Note: *An alternative calculation of an unpredictable contingent amount is available for the first year of amortization. Refer to Code section 412(l)(5)(D) for a description. If this alternative calculation is used, include an attachment describing the calculation.*

Line 12m(6). "RPA '94" Additional Amount. Subtract line 12g from line 12e. If the result is zero or less than zero, enter -0-. If the result is a positive number, multiply the result by the percentage used to calculate line 12i. Enter the excess, if any, of this amount over the amount on line 12i.

Line 12n. Preliminary charge. Adjust with interest using the "RPA '94" current liability interest rate.

Line 12o. Contributions needed to increase current liability percentage to 100%. This amount is calculated in the same manner as the "target amount " except that 100 percent is substituted for the "target percentage" (see Announcement 96-18, 1996-15 I.R.B. 15). Instructions for computing the target amount are provided at line 14c.

Lines 12q, 12r, and 12s. Complete only the one applicable line.

Line 12u. If the plan had 150 or more participants on each day of the preceding plan year, enter 100%. If the plan had less than 150 participants but more than 100 participants on each day of the preceding plan year, enter the applicable percentage. The same participant aggregation rule described in the instructions for line 12 applies. The applicable percentage is calculated as follows: **(1)** Determine the greatest number of participants on any day during the preceding plan year in excess of 100. **(2)** The applicable percentage is 2% times the number of such participants in excess of 100. The percentage should not exceed 100%. The amount on line 12u is also the amount entered on line 9f.

Line 13. Additional Funding Charge under Prior Law (for Use with the Optional and/or Transition Rules). The line is completed if the plan sponsor elected in 1995 to use the Optional rule under Code section 412(l)(3)(E) or is using the Transition rule under Code section 412(l)(11) in 1999. Do not complete line 13 for plans that are not subject to section 412(l) in 1999 (i.e., plans that entered zero on line 12u immediately after completing the Gateway % in line 12a). All calculations in line 13 must be done using the law pertaining to the additional funding charge as it existed prior to "RPA '94" (see Q&A-9 of Rev. Rul. 96-21).

Line 13a. Enter the "OBRA '87" current liability as of the valuation date.

Line 13b. Enter the actuarial value of assets (line 1b(2)), reduced by the prior year's credit balance (line 9h). If line 9h was determined at a date other than the valuation date, adjust the credit balance for interest at the valuation rate to the current valuation date before subtracting. Do not add a prior year's funding deficiency to the assets.

Line 13c. Enter the adjusted actuarial value of assets expressed as a percentage of current liability. Round off to two decimal places (e.g., 59.41%).

Line 13e. Enter the outstanding balance of the unfunded old liability as of the valuation date. To compute the outstanding balance, lines 13e and 13i from the 1998 Schedule B should be used.

Line 13f. Enter the liability for any unpredictable contingent event benefit that was included on line 13a, whether or not such event has occurred.

Computation of Target Percentage (line 14b)

If line 14a is...	Then enter on line 14b:
line 14a ≤ 63%	line 14a + 15%
63% < line 14a ≤ 66%	90% × line 14a + 21.3%
66% < line 14a ≤ 69%	81% × line 14a + 27.24%
69% < line 14a ≤ 72%	72.9% × line 14a + 32.83%
72% < line 14a ≤ 74.55%	65.61% × line 14a + 38.08%
74.55% < line 14a ≤ 75%	72.9% × line 14a + 32.64%
75% < line 14a ≤ 77.56%	65.61% × line 14a + 38.11%
77.56% < line 14a ≤ 80.30%	72.9% × line 14a + 32.46%
80.30% < line 14a ≤ 82.77%	81% × line 14a + 25.95%
82.77% < line 14a < 85%	90% × line 14a + 18.5%
85% ≤ line 14a	line 14a + 10%

Line 13g. This amount is the unfunded new liability. It will be recalculated each year. If the result is negative, enter -0-.

Line 13h. If the unfunded new liability is zero, enter -0- for the unfunded new liability amount. If the unfunded new liability is greater than zero, first calculate the amortization percentage as follows:

1. If the funded current liability percentage (line 13c) is less than or equal to 35%, the amortization percentage is 30%.

2. If the funded current liability percentage exceeds 35%, the amortization percentage is determined by reducing 30% by the product of 25% and the amount of such excess. Enter the resulting amortization percentage to the nearest 0.01 percent.

The unfunded new liability amount is equal to the above-calculated percentage of the unfunded new liability.

Line 13i. Enter the amortization of the outstanding balance of the unfunded old liability as of the valuation date (line 13e). In the case of a collectively bargained plan, the unfunded old liability amount to enter on line 13i must include the amortization of any unfunded existing benefit increase liability calculated in accordance with Code section 412(l)(3)(C)(ii). On a separate attachment, show the breakdown of the various liabilities being amortized, the outstanding balance of each liability, the number of years remaining in the amortization period, and the amortization amount.

Any such amortization amount must be determined based on:

1. The "OBRA '87" current liability interest rate in effect at the beginning of the plan year, and

2. The valuation date as the due date of the amortization payment.

The amortization period must be the remainder of the original 18-year period that applied when the amortization began.

Any such amortization amount must be redetermined each year based on the outstanding balance (line 13e). If the plan becomes fully funded on a current liability basis, the unfunded old liability (including any liability arising from collectively bargained plans) will be considered fully amortized (see Q&A-7 of Rev. Rul. 96-20).

Line 13j. Deficit Reduction Contribution. Enter the sum of lines 13h and 13i. This amount is the deficit reduction contribution at the valuation date.

Line 13k. When entering the net amortization amounts for certain bases include only charges (included on line 9c) and credits (included on line 9j) attributable to original unfunded liability, amendments, funding waivers, and charges resulting from a "switchback" from the alternative minimum account to the funding standard account.

If a base resulted from combining and/or offsetting pre-existing bases among which were bases not designated in the preceding paragraph, and such base was not uncombined in 1989 in accordance with Announcement 90-87, 1990-30 I.R.B. 23, then such resulting base may not be included in this line 13k.

Line 13l. Line 13l does not apply to the unpredictable contingent event benefits (and the attributable liabilities) for an event that occurred before the first plan year beginning after December 31, 1988.

Line 13l(1). Enter the total of all benefits paid during the plan year that were paid solely because the unpredictable contingent event occurred.

Line 13l(5). Amortization should be based on the "OBRA '87" current liability interest rate and should assume beginning of the year payments for a 7-year period.

Note: *Alternative calculation of an unpredictable contingent event amount is available for the first year of amortization. Refer to Code section 412(l)(5)(D) for a description. If this alternative calculation is used, include an attachment describing the calculation.*

Line 13p. Enter the applicable amount of interest, based on the "OBRA '87" current liability interest rate, to bring the additional funding charge (line 13o) to the end of the plan year.

Line 14. Transition Rule. The transition rule of Code section 412(l)(11) provides an alternative method of computing the additional required funding charge. The rule may be elected by the employer as part of Schedule R (Form 5500), line 8, in any year up to the year 2001. The charge for a year is the amount necessary to increase the funded current liability percentage to the target percentage preset for that year, with adjustments to meet the two following conditions: **(1)** the charge must not be less than the additional funding charge under the law as it existed prior to "RPA '94", and **(2)** in any event, the charge under the Transition rule must not be greater than the charge under present law (ignoring the effect of the Transition rule).

The transition rule of Code section 412(l)(11) may only be elected by the employer sponsoring an "eligible plan" (see Q&A-2 of Rev. Rul. 96-21).

Note: *In accordance with Q&A-2 of Rev. Rul. 96-21, a plan that was not in existence in 1995 is not eligible to use the Transition rule.*

Line 14b. Transition Rule Target Percentage. To compute the target percentage, refer to the table above and enter the appropriate percentage on line 14b.

Line 14c. Target Amount. The target amount is the additional amount necessary to increase the funded current liability percentage to the "target percentage" of line 14b . The target amount is equal to the excess, if any, of the product of line 14b and the "adjusted current liability", over the "adjusted assets." The adjusted current liability is computed in accordance with Q&A-7 of Rev. Rul. 96-21, and is equal to the excess of (1) the sum of lines 1d(2)(a) and 1d(2)(b), over (2) line 1d(2)(d), each adjusted to the end of the plan year using the "RPA '94" current liability interest rate. The adjusted assets are computed in accordance with Q&A-8 of Rev. Rul. 96-21.

1999 – *Service Provider Information* Instructions for Schedule C (Form 5500)

General Instructions

Who Must File

The Schedule C (Form 5500) must be attached to a Form 5500 filed for a large pension or welfare benefit plan and to a Form 5500 filed for a MTIA, 103-12, or GIA to report information concerning service providers. See the instructions to the Form 5500 for **Form 5500 Schedules** and **Direct Filing Entity (DFE).**

Check the Schedule C box on the Form 5500 (Part II, line 10b(4)) if a Schedule C is attached to the Form 5500. Multiple Schedule C pages must be attached to the Form 5500 if necessary to report the required information.

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule C is attached.

Line 1 of Part I Line 1 must be completed if line 2 of Part I is required to be completed as specified below.

Line 2 of Part I Line 2 of Part I must be completed to report contract administrators and persons receiving, directly or indirectly, $5,000 or more in compensation for all services rendered to the plan or DFE during the plan or DFE year except:

1. Employees of the plan whose only compensation in relation to the plan was less than $1,000 for each month of employment during the plan year;

2. Employees of the plan sponsor who did not receive direct or indirect compensation from the plan;

3. Employees of a business entity (e.g., corporation, partnership, etc.), other than the plan sponsor, who provided services to the plan; or

4. Persons whose only compensation in relation to the plan consists of insurance fees and commissions listed in a Schedule A attached to the Form 5500 filed for this plan.

Generally, indirect compensation would not include compensation that would have been received had the service not been rendered and that cannot be reasonably allocated to the services performed. Indirect compensation includes, among other things, payment of "finder's fees" or other fees and commissions by a service provider to an independent agent or employee for a transaction or service involving the plan.

Notes:

- *Either the cash or accrual basis may be used for the recognition of transactions reported on the Schedule C as long as you use one method consistently.*
- *The compensation listed should only reflect the amount of compensation received by the service provider from the plan or DFE filing the Form 5500, not the aggregate amount received for providing services to several plans or DFEs.*
- *The term "persons" on the Schedule C instructions includes individuals, trades and businesses (whether incorporated or unincorporated). See ERISA section 3(9).*

Specific Instructions

Part I - Service Provider Information

Line 1. Enter the total dollar amount of compensation received by all persons who provided services to the plan who are not listed in line 2 (except for those persons described in 2, 3, or 4 in the General Instructions).

Example: *A plan had service providers, A, B, C, and D, who received $12,000, $6,000, $4,500, and $430, respectively, from the plan. Service providers A and B must be identified separately in line 2 by name, EIN, official plan position, etc. As service providers C and D each received less than $5,000, the amount they received must be combined and $4,930 entered in line 1.*

Line 2. List up to 40 service providers, including the contract administrator, as specified below.

First, list the contract administrator, if any, on the first item (complete elements **(a)** through **(g)**) on line 2 where indicated. A contract administrator is any individual, trade or business (whether incorporated or unincorporated) responsible for managing the clerical operations of the plan on a contractual basis (e.g., handling membership rosters, claims payment, maintaining books and records), except for salaried staff or employees of the plan or banks or insurance carriers.

Next, complete a separate item for each person required to be reported in line 2 in the order of compensation received. Start with the most highly compensated and end with the lowest compensated. Enter in element **(a)** the person's name and complete elements **(b)** through **(g)** as specified below. Additional pages may be necessary to list all service providers. You can get additional green ink copies by calling **1-800-TAX-FORM** (1-800-829-3676).

Element (b). An EIN must be entered. If the name of an individual is entered in element **(a)**, the EIN to be entered in element **(b)** should be the EIN of the individual's employer.

Element (c). Enter, for example, employee, trustee, accountant, attorney, etc.

Element (d). Enter, for example, employee, vice-president, union president, etc.

Elements (e) and (f).

Plan Filers. Include the plan's share of compensation for services paid during the year to an MTIA or 103-12 IE trustee and to persons providing services to the MTIA or 103-12 IE, if such compensation is **not** subtracted from the total income in determining the net income (loss) reported on the MTIA or 103-12 IE's Schedule H, line 2k.

Include brokerage commissions or fees only if the broker is granted some discretion (see 29 CFR 2510.3-21 paragraph (d), regarding "discretion"). Include all other commissions and fees on investments, whether or not the they are capitalized as investment costs.

MTIA and 103-12 IEs. Include compensation for services paid by the MTIA or 103-12 IE during its fiscal year to persons providing services to the MTIA or 103-12 IE if such compensation is subtracted from the total income in determining the net income (loss) reported by the MTIA or 103-12 IE on Schedule H, line 2k.

Element (g). Select and enter all codes that describe the nature of services provided from the list below. If more than one service was provided, list the code for the primary service first. If necessary, use a properly identified attachment to list all applicable service codes.

Note: *Do not list PBGC or IRS as a service provider on Part I of Schedule C.*

Code	Service
10	Accounting (including auditing)
11	Actuarial
12	Contract Administrator
13	Administration
14	Brokerage (real estate)
15	Brokerage (stocks, bonds, commodities)
16	Computing, tabulating, ADP, etc.
17	Consulting (general)
18	Custodial (securities)
19	Insurance agents and brokers
20	Investment advisory
21	Investment management
22	Legal
23	Printing and duplicating
24	Recordkeeping
25	Trustee (individual)
26	Trustee (corporate)
27	Pension insurance advisor
28	Valuation services (appraisals, asset valuations, etc.)
29	Investment evaluations
30	Medical
31	Legal services to participants
99	Other (specify)

Part II - Termination Information on Accountants and Enrolled Actuaries

Complete Part II if there was a termination in the appointment of an accountant or enrolled actuary. In case the service provider is not an individual (i.e., when the service provider is a legal entity such as a corporation, partnership, etc.), report when the service provider (not the individual) has been terminated.

Provide an explanation of the reasons for the termination of an accountant or enrolled actuary. Include a description of any material disputes or matters of disagreement concerning the termination, even if resolved prior to the termination. If an individual is listed, the EIN to be entered should be the EIN of the individual's employer. The plan administrator must also provide the terminated accountant or enrolled actuary with a copy of the explanation for the termination provided in Part II of the Schedule C, with a completed copy of the notice below.

Notice To Terminated Accountant Or Enrolled Actuary

I, as plan administrator, verify that the explanation that is reproduced below or attached to this notice is the explanation concerning your termination reported on the Schedule C (Form 5500) attached to the 1999 Annual Return/Report Form 5500 for the _____ (enter name of plan). This Form 5500 is identified in line 2b by the nine-digit EIN ___- _____ (enter sponsor's EIN), and in line 1b by the three-digit PN _____ (enter plan number).

You have the opportunity to comment to the Department of Labor concerning any aspect of this explanation. Comments should include the name, EIN, and PN of the plan and be submitted to: Office of Enforcement, Pension and Welfare Benefits Administration, U.S. Department of Labor, 200 Constitution Avenue, N.W., Washington, D.C. 20210.

Signed
Dated

1999 – *DFE/Participating Plan Information* Instructions for Schedule D (Form 5500)

General Instructions

Who Must File

Employee Benefit Plans: Schedule D must be attached to a Form 5500 filed for an employee benefit plan that participated or invested in one or more common/collective trusts (CCTs), pooled separate accounts (PSAs), master trust investment accounts (MTIAs), or 103-12 Investment Entities (103-12 IEs) at any time during the plan year.

Direct Filing Entities: Schedule D must be attached to a Form 5500 filed for a CCT, PSA, MTIA, 103-12 IE or Group Insurance Arrangement (GIA), as a Direct Filing Entity (i.e., when Form 5500 Part I, line A(4) is checked). For more information, see instructions for **Direct Filing Entity (DFE)** on pages 4 and 8 of the instructions for the Form 5500.

Check the Schedule D box on the Form 5500 (Part II, line 10b(5)) if a Schedule D is attached to the Form 5500. Multiple Schedule D pages must be attached to the Form 5500 if necessary to report the required information. You can get additional green ink copies by calling **1-800-TAX-FORM** (1-800-829-3676).

Purpose of Schedule

When the Form 5500 is filed for a plan or DFE that invested or participated in any MTIAs, 103-12 IEs, CCTs and/or PSAs, Part I provides information about these entities. When the Form 5500 is filed for a DFE, Part II provides information about plans participating in the DFE.

Lines A, B, C, and D. The information entered on these lines should be the same as the information entered on the Form 5500 to which this Schedule D is attached (Part II, lines 1a, 1b, 2a, and 2b, respectively).

Specific Instructions For Part I

Use as many pages as necessary to enter the information specified below for all MTIAs, CCTs, PSAs, and 103-12 IEs in which the plan or DFE filing the Form 5500 participated at any time during the plan or DFE year.

Complete a separate item (elements **(a)** through **(e)** for each MTIA, CCT, PSA, or 103-12 IE.

Element (a). Enter the name of the MTIA, CCT, PSA, or 103-12 IE in which the plan or DFE filing the Form 5500 participated at any time during the plan or DFE year.

Element (b). Enter the sponsoring organization (financial institution, insurance company, etc.) of the MTIA, CCT, PSA, or 103-12 IE named in (a).

Element (c). Enter the nine-digit employer identification number (EIN) and three-digit plan/entity number (PN) for each MTIA, CCT, PSA, or 103-12 IE named in (a). This **must** be the same EIN/PN as reported on lines 2b and 1b of the Form 5500 filed for the DFE. If a Form 5500 was **not** filed for a CCT or PSA named in element **(a)**, enter the EIN for the CCT or PSA and enter 000 for the PN.

Element (d). Enter an M, C, P, or E, as appropriate, (see table below) to identify the type of entity (MTIA, CCT, PSA, or 103-12 IE).

Type of entity ▼	Enter in (d) ▼
MTIA	M
CCT	C
PSA	P
103-12 IE	E

Element (e). Enter the value of the plan's or DFE's interest as of the end of the year. If the plan or DFE for which this Schedule D is filed had no interest in the MTIA, CCT, PSA, or 103-12 IE listed at the end of the year, enter "0".

Example for Part I: If a plan participates in an MTIA, the MTIA is named in element **(a)**; the MTIA's sponsoring financial institution is named in element **(b)**; the MTIA's EIN and PN is entered in element **(c)** (such as: 12-3456789-001); an "M" is entered in element **(d)**; and the dollar value of the plan's interest in the MTIA as of the end of the plan year is entered in element **(e)**. If the plan also participates in a CCT for which a Form 5500 was **not** filed, the CCT is named in another element **(a)**; the name of the CCT sponsor is named in element **(b)**, the nine-digit number EIN for the CCT, followed by 000 is entered in element **(c)** (such as: 99-8765432-000); a "C" is entered in element **(d)**; and the dollar value of the plan's interest in the CCT is entered in element **(e)**. If the plan also participates in a PSA for which a Form 5500 **was** filed, the PSA is named in a third element **(a)**; the name of the PSA sponsor is named in element **(b)**, the PSA's EIN and PN is entered in element **(c)** (such as: 98-7655555-001); a "C" is entered in element **(d)**; and the dollar value of the plan's interest in the CCT is entered in element **(e)**.

See the filled-in example for Part I on the following page.

Specific Instructions For Part II

Use as many pages as necessary to enter the information specified below for all plans that invested or participated in the DFE at any time during the DFE year.

Complete a separate item (elements **(a)** through **(c)**) for each plan.

Element (a). Enter the name of each plan that invested or participated in the DFE at any time during the DFE year. GIAs need not complete element **(a)**.

Element (b). Enter the sponsor of each investing or participating plan.

Element (c). Enter the nine-digit EIN and three-digit PN for each plan named in element **(a)**. This is the EIN and PN entered on lines 2b and 1b of the plan's Form 5500. GIAs should enter the EIN of the sponsor listed in element **(b)**.

See the filled-in example for Part II on the following page.

Filled-in Example for Part I

(a) Name of MTIA, CCT, PSA, or 103-12 IE	(b) Name of Sponsor	(c) EIN/PN of entity listed in (a)	(d) Entity Code	(e) Dollar value of interest in MTIA, CCT, PSA, or 103-12 IE at end of year
Master Trust For Plans of XYZ Corporation	Trustee Bank for Master Trust	12-3456789-001	M	1,250,000
AAA Bank CCT	AAA Bank of North America	99-8765432-000	C	250,000
BBB insurance Company PSA	BBB insurance Company	98-7655555-001	P	275,000

Filled-in Example for Part II

Examples for Part II: A Schedule D filed for a DFE (other than a GIA) should be completed as in the following example ▼

(a) Plan Name	(b) Name of Plan Sponsor	(c) EIN/PN of plan named in (a)
ABC Widget Profit Sharing Plan	ABC Widget Company	12-3456789-001
ABC Widget Pension Plan	ABC Widget Company	12-3456789-002
ABC Sister Company Profit Sharing Plan	ABC Sister Company	12-3456799-001
ABC Sister Company Pension Plan	ABC Sister Company	12-3456799-002

A Schedule D filed for a GIA may be completed as above or as in the following example ▼

(a) Plan Name	(b) Name of Plan Sponsor	(c) EIN/PN of plan
	ABC Widget Company	12-3456789
	AAA Shoe Company	98-7654321
	XYZ Corporation	88-7712342

1999 – *ESOP Annual Information* Instructions for Schedule E (Form 5500)

General Instructions

Purpose of Form

Use this schedule to satisfy the requirements under Code section 6047(e) for an annual information return for an employee stock ownership plan (ESOP).

Who Must File

Every employer or plan administrator of a pension benefit plan that contains ESOP benefits must file a Schedule E (Form 5500).

How To File

File Schedule E (Form 5500) annually as an attachment to Form 5500 or 5500-EZ. If more than one securities acquisition loan (see specific instructions for lines 6 through 11) is outstanding, you must file one Schedule E (Form 5500) and an attachment for each additional securities acquisition loan. Each attachment must provide answers to questions 6 through 11, be in a similar format to, and on the same size paper as the Schedule E.

Check the Schedule E box on the Form 5500 (Part II, line 10a(4)) if a Schedule E is attached to the Form 5500.

Note: *The Small Business Job Protection Act repealed the partial interest exclusion of Code section 133 effective, in general, with respect to loans made after August 20, 1996. However, Schedule E (Form 5500) must be filed for securities acquisition loans made to ESOPs before August 21, 1996, loans made pursuant to a written binding contract in effect before June 10, 1996, and at all times thereafter before the loan was made, and certain loans made after August 20, 1996, to refinance a securities acquisition loan originally made on or before August 20, 1996.*

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule E is attached.

Line 3. If the schedule does not provide enough space, enter "ATTACHED" and provide the required formula as an attachment to Schedule E.

Lines 6 through 11. A "securities acquisition loan" is an exempt loan to an ESOP to the extent that the proceeds are used to acquire employer securities for the plan.

Line 6. A "back to back loan" is a securities acquisition loan from a lender to an employer corporation followed by a loan from the corporation to the ESOP maintained by the employer corporation. A "back to back loan" constitutes a "securities acquisition loan" under Code section 133 if the following requirements are satisfied:

1. The loan from the employer corporation to the ESOP qualifies as an exempt loan under Excise Tax Regulations sections 54.4975-7 and 54.4975-11;

2. The repayment terms of the loan from the corporation to the ESOP are "substantially similar" (as defined in Temporary Income Tax Regulations section 1.133-1T) to the repayment terms of the loan from the corporation to the lender; and

3. If the loan from the corporation to the ESOP provides for more rapid repayment of principal and interest, the allocations under the ESOP attributable to such repayments do not discriminate in favor of highly compensated employees (within the meaning of Code section 414(q)).

Line 7. An immediate allocation loan is any loan to an employer corporation to the extent that, within 30 days, employer securities are transferred to the ESOP maintained by the corporation in an amount equal to the proceeds of the loan and the securities are allocable to the accounts of plan participants within one year of the date of the loan. (See Code section 133(b)(1)(B).)

Line 8c. The transition rules of Act section 7301(f)(2) through (6) of the Omnibus Budget Reconciliation Act of 1989 (OBRA), P.L. 101-239, provide that the amendments made to Code section 133 by OBRA will not apply to certain loans that satisfy the requirements of those paragraphs. In general, the amendments made by OBRA will not apply to:

1. Loans made pursuant to a binding written commitment in effect on June 6, 1989, and at all times thereafter before the loan was made, or pursuant to a written binding contract (or tender offer registered with the Securities and Exchange Commission (SEC)) in effect on June 6, 1989, and at all times thereafter before such securities were acquired.

2. If subparagraph 1 does not apply, loans made pursuant to a binding written commitment in effect on July 10, 1989, and at all times thereafter before the loan was made, but only to the extent that the proceeds were used to acquire employer securities pursuant to a certain binding written contract (or tender offer registered with the SEC) in effect on July 10, 1989, and at all times thereafter before the securities are acquired.

3. Any loan made on or before July 10, 1992, pursuant to a written agreement entered into before July 10, 1989, if the agreement evidences the intent of the borrower to enter, on a periodic basis, into securities acquisition loans described in Code section 133(b)(1)(B) (as in effect before December 19, 1989). This rule applies only if one or more securities acquisition loans were made to the borrower on or before July 10, 1989.

See Act section 7301(f)(2) to determine the specific requirements of the transition rules described above. See Act section 7301(f)(3) through (6) for additional transition rules on refinancings, collective-bargaining agreements, filings with the United States, and the 30% test for certain loans.

Line 9. If the loan is a back to back loan or an immediate allocation loan, enter the amount of interest paid by the employer corporation to the lender(s) during the plan year.

Line 11b. The repeal of Code section 133 by Act section 1602 of SBJPA 1996 does not apply to a refinancing of an ESOP securities acquisition loan made after August 20, 1996 or pursuant to a binding contract in effect before June 10, 1996, if:

1. The refinancing loan meets the requirements of Code section 133 in effect on August 20, 1996,

2. The outstanding principal amount of the loan is not increased, and

3. The term of the original loan is not extended.

Line 15(d). In determining the dividend rate for a class of common stock, use the percentage of the average dividends paid on the class of common stock during the plan year over the average value of the class of common stock during the plan year.

In determining the dividend rate for a class of preferred stock, use the dividend rate stated in the terms of the stock, or if a dividend rate is not stated, use the percentage of the average dividends paid on the class of preferred stock during the plan year over the par value of the class of preferred stock.

1999 – *Fringe Benefit Plan Annual Information Return* Instructions for Schedule F (Form 5500)

General Instructions

Purpose of Schedule

Schedule F must be attached to the Form 5500 filed for every fringe benefit plan required to file under Code section 6039D. This includes:

- A cafeteria plan described in Code section 125,
- An educational assistance program described in Code section 127, and
- An adoption assistance program described in Code section 137.

Note: *If an employer offers an adoption assistance program as a benefit under a cafeteria plan, file one Schedule F for the cafeteria plan. If one Schedule F is filed for both a Code section 125 plan and a Code section 137 plan, check both the 125 box and the 137 box. Do not file Schedule F for an educational assistance program that provides only job-related training, which is deductible as an ordinary and necessary business expense under Code section 162.*

Check the Schedule F box on the Form 5500 (Part II, line 10c if a Schedule F is attached to the Form 5500.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule F is attached.

Fringe benefit plans filing only to satisfy the requirements of Code section 6039D(a) must complete the following items on Form 5500: Boxes A, B, D, and lines 1 through 5, 8c, and 10c. The completed Form 5500 and the attached Schedule F are filed as the plan's information return.

Line 4. For reporting purposes under Code section 6039D, the term "employees participating in the plan" means any employee who, for a plan year, has had at least $1 excluded from gross income by reason of Code section 125, 127, or 137.

Line 5. The total cost of the fringe benefit plan includes:

- For a Code section 125 cafeteria plan, the amount employees elect to have an employer contribute to provide for the benefits under the plan.
- Administrative expenses including any legal, accounting, or consulting fees attributable to the plan, whether paid directly by the employer or through the plan. Overhead expenses such as utilities and photocopying costs are not to be included for this reporting purpose.

Note: *For a Code section 125 cafeteria plan, enter the amount of the salary reductions and other employer contributions. Other employer contributions include nonelective contributions and flexible credits. Nonelective contributions and flexible credits are the employer's portion of the cost or premium contributed as employer-provided coverage under a cafeteria plan arrangement. Do not subtract benefits paid out from the plan and amounts forfeited.*

Line 6. Do not complete this line if the return/report is being filed for both a welfare benefit plan and a fringe benefit plan and both have terminated during this plan year and are filing a final return/report. Enter the termination information in Form 5500, Part I, line B(3) and lines 4k and 5a of the Schedule H or lines 4j and 5a of the Schedule I, as applicable.

1999 – *Financial Transaction Schedules*
Instructions for Schedule G (Form 5500)

General Instructions

Who Must File

The Schedule G (Form 5500) must be attached to a Form 5500 filed for a plan, MTIA, 103-12 IE, or GIA to report loans or fixed income obligations in default or determined to be uncollectible as of the end of the plan year, leases in default or classified as uncollectible, and nonexempt transactions. See Schedule H (Form 5500) lines 4b, 4c, and/or 4d.

Check the Schedule G box on the Form 5500 (Part II, line 10b(6)) if a Schedule G is attached to the Form 5500. Multiple Schedule G pages must be attached to the Form 5500 if necessary to report the required information. You can get additional green ink copies by calling **1-800-TAX-FORM** (1-800-829-3676).

The Schedule G consists of three parts. Part I of the Schedule G reports any loans or fixed income obligations in default or determined to be uncollectible as of the end of the plan year. Part II of the Schedule G reports any leases in default or classified as uncollectible. Part III of the Schedule G reports nonexempt transactions.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule G is attached.

Part I - LOANS OR FIXED INCOME OBLIGATIONS IN DEFAULT OR CLASSIFIED AS UNCOLLECTIBLE

List all loans by the plan or fixed income obligations in default or determined to be uncollectible as of the end of the plan year, or the fiscal year of the GIA, MTIA, or 103-12 IE. Include:

- Obligations where the required payments have not been made by the due date;
- Fixed income obligations that have matured, but have not been paid, for which it has been determined that payment will not be made; and
- Loans by the plan that were in default even if renegotiated later during the plan year.

Identify in (a) each obligator known to be a party-in-interest to the plan.

Provide, on a separate attachment, an explanation of what steps have been taken or will be taken to collect overdue amounts for each loan listed.

The due date, payment amount and conditions for determining default in the case of a note or loan are usually contained in the documents establishing the note or loan. A loan by the plan is in default when the borrower is unable to pay the obligation upon maturity. Obligations that require periodic repayment can default at any time. Generally loans and fixed income obligations are considered uncollectible when payment has not been made and there is little probability that payment will be made. A fixed income obligation has a fixed maturity date at a specified interest rate.

Do not report in Part I participant loans under an individual account plan with investment experience segregated for each account, that are made in accordance with 29 CFR 2550.408b-1, and that are secured solely by a portion of the participant's vested accrued benefit. Report all other participant loans in default or classified as uncollectible on Part I, and list each such loan individually.

Part II - LEASES IN DEFAULT OR CLASSIFIED AS UNCOLLECTIBLE

List any leases in default or classified as uncollectible. A lease is an agreement conveying the right to use property, plant or equipment for a stated period. A lease is in default when the required payment(s) has not been made. An uncollectible lease is one where the required payments have not been made and for which uncollectible lease is one where the required payments have not been made and for which there is little probability that payment will be made. Provide, on a separate attachment, an explanation of what steps have been taken or will be taken to collect overdue amounts for each lease listed.

Part III - NONEXEMPT TRANSACTIONS

All nonexempt party-in-interest transactions must be reported, regardless of whether disclosed in the accountant's report, unless the nonexempt transaction is:

1. Statutorily exempt under Part 4 of Title I of ERISA;
2. Administratively exempt under ERISA; section 408(a);
3. Exempt under Code sections 4975(c) or 4975(d);
4. The holding of participant contributions for a welfare plan that meets the conditions of ERISA Technical Release 92-01; or
5. A transaction of a 103-12 IE with parties other than the plan.

Nonexempt transactions with a party-in-interest include any direct or indirect:

A. Sale or exchange, or lease, of any property between the plan and a party-in-interest.

B. Lending of money or other extension of credit between the plan and a party-in-interest.

C. Furnishing of goods, services, or facilities between the plan and a party-in-interest.

D. Transfer to, or use by or for the benefit of, a party-in-interest, of any income or assets of the plan.

E. Acquisition, on behalf of the plan, of any employer security or employer real property in violation of Code section 407(a).

F. Dealing with the assets of the plan for a fiduciary's own interest or own account.

G. Acting in a fiduciary's individual or any other capacity in any transaction involving the plan on be half of a party (or represent a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries.

H. Receipt of any consideration for his or her own personal account by a party-in-interest who is a fiduciary from any party dealing with the plan in connection with a transaction involving the income or assets of the plan.

Note: *Amounts paid by a participant or beneficiary to an employer and/or withheld by an employer for contribution to the plan are participant contributions that become plan assets as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets (see 29 CFR 2510.3-102). An employer holding these assets after that date commingled with its general assets, will have engaged in a prohibited use of plan assets for purposes of the nonexempt transactions described above (see ERISA section 406). See above for reporting by welfare plans that meet the conditions of ERISA Technical Release 92-01.*

If you are unsure as to whether a transaction is exempt or not, you should consult with either the plan's independent qualified public accountant or legal counsel or both.

You may indicate that an application for an administrative exemption is pending.

If the plan is a qualified pension plan and a nonexempt prohibited transaction occurred with respect to a disqualified person, a **Form 5330,** Return of Excise Taxes Related to Employee Benefit Plans, should be filed with IRS to pay the excise tax on the transaction.

For purposes of this form, party-in-interest is deemed to include a disqualified person see Code section 4975(e)(2). The term "party-in-interest" means, as to an employee benefit plan:

A. Any fiduciary (including, but not limited to, any administrator, officer, trustee or custodian), counsel, or employee of the plan;

B. A person providing services to the plan;

C. An employer, any of whose employees are covered by the plan;

D. An employee organization, any of whose members are covered by the plan;

E. An owner, direct or indirect, of 50% or more of: **(1)** the combined voting power of all classes of stock entitled to vote, or the total value of shares of all classes of stock of a corporation, **(2)** the capital interest or the profits interest of a partnership, or **(3)** the beneficial interest of a trust or unincorporated enterprise that is an employer or an employee organization described in C or D;

F. A relative of any individual described in A , B, C, or E;

G. A corporation, partnership, or trust or estate of which (or in which) 50% or more of: **(1)** the combined voting power of all classes of stock of such corporation, **(2)** the capital interest or profits interest of such partnership, or **(3)** the beneficial interest of such trust or estate is owned directly or indirectly, or held by, persons described in A, B, C, D, or E;

H. An employee, officer, director (or an individual having powers or responsibilities similar to those of officers or directors), or a 10% or more shareholder, directly or indirectly, of a person described in B, C, D, E, or G, or of the employee benefit plan; or

I. A 10% or more (directly or indirectly in capital or profits) partner or joint venturer of a person described in B, C, D, E, or G.

1999 – *Financial Information*
Instructions for Schedule H (Form 5500)

General Instructions

Who Must File

The Schedule H (Form 5500) must be attached to a Form 5500 filed for a pension benefit plan or a welfare benefit plan that covered 100 or more participants as of the beginning of the plan year and a Form 5500 filed for a MTIA, CCT, PSA, 103-12 IE, or GIA. See the instructions to the Form 5500 for **Direct Filing Entity (DFE).**

Exceptions: **(1)** Insured, unfunded, or a combination of unfunded/insured welfare plans and fully insured pension plans that meet the requirements of 29 CFR 2520.104-44 are exempt from completing the Schedule H. **(2)** If a Form 5500-C/R was filed for the plan for the 1998 plan year and the plan covered fewer than 121 participants as of the beginning of the 1999 plan year, the Schedule I may be completed instead of a Schedule H. See page 6 of the Form 5500 instructions for **Lines and Schedules To Complete**.

Check the Schedule H box on the Form 5500 (Part II, line 10b(1)) if a Schedule H is attached to the Form 5500. Do not attach both a Schedule H and a Schedule I to the same Form 5500.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule H is attached.

Note: *Do not mark through the printed line descriptions on the Schedule H and insert your own description as this may cause additional correspondence due to a computerized review of the Schedule H.*

The cash, modified cash, or accrual basis may be used for recognition of transactions in Parts I and II, as long as you use one method consistently. Round off all amounts reported on the Schedule H to the nearest dollar. Any other amounts are subject to rejection. Check all subtotals and totals carefully.

If the assets of two or more plans are maintained in a fund that is not a DFE, a registered investment company, or the general account of an insurance company under an unallocated contract, complete by entering the plan's allocable part of each line item in Parts I and II of the Schedule H. (See the instructions for lines 1c(9) through 1c(14), including the **1999 Transition Rule** for CCTs and PSAs.)

Exception: When completing the Schedule H for a plan or DFE that participates in a CCT or PSA for which a Form 5500 has not been filed, do not allocate the income of the CCT or PSA and expenses that were subtracted from the gross income of the CCT or PSA in determining their net investment gain (loss). Instead, enter the CCT or PSA net gain (loss) on line 2b(6) or (7) in accordance with the instructions for these lines.

If assets of one plan are maintained in two or more trust funds, report the combined financial information in Parts I and II.

Current value means fair market value where available. Otherwise, it means the fair value as determined in good faith under the terms of the plan by a trustee or a named fiduciary, assuming an orderly liquidation at time of the determination. See ERISA section 3(26).

Part I - ASSET AND LIABILITY STATEMENT

Columns (a) and (b). Enter the current value on each line as of the beginning and end of the plan year.

Note: *Amounts reported in column (a) must be the same as reported for the end of the plan year for corresponding line items on the 1998 return/report for the plan. Do not include contributions designated for the 1999 plan year in column (a).*

Line 1a. Total noninterest bearing cash includes, among other things, cash on hand or cash in a noninterest bearing checking account.

Line 1b(1). Noncash basis filers should include contributions due the plan by the employer but not yet paid. Do not include other amounts due from the employer such as the reimbursement of an expense or the repayment of a loan.

Line 1b(2). Noncash basis filers should include contributions withheld by the employer from participants and amounts due directly from participants that have not yet been received by the plan. Do not include the repayment of participant loans.

Line 1b(3). Noncash basis filers should include amounts due to the plan which are not includable in lines 1b(1) or 1b(2). These amounts may include investment income earned but not yet received by the plan and other amounts due to the plan such as amounts due from the employer or another plan for expense reimbursement or from a participant for the repayment of an overpayment of benefits.

Line 1c(1). Include all assets that earn interest in a financial institution account such as interest bearing checking accounts, passbook savings accounts, or in money market accounts.

Line 1c(2). Include securities issued or guaranteed by the U.S. Government or its designated agencies such as U.S. Savings Bonds, Treasury bonds, Treasury bills, FNMA, and GNMA.

Line 1c(3). Include investment securities (other than employer securities defined in 1d(1) below) issued by a corporate entity at a stated interest rate repayable on a particular future date such as most bonds, debentures, convertible debentures, commercial paper and zero coupon bonds. Do not include debt securities of governmental units that should be reported on line 1c(2) or 1c(15).

"Preferred" means any of the above securities that are publicly traded on a recognized securities exchange and the securities have a rating of "A" or above. If the securities are not "Preferred" they are listed as "Other."

Line 1c(4)(A). Include stock issued by corporations (other than employer securities defined in 1d(1) below) which is accompanied by preferential rights such as the right to share in distributions of earnings at a higher rate or which has general priority over the common stock of the same entity. Include the value of warrants convertible into preferred stock.

Line 1c(4)(B). Include any stock (other than employer securities defined in 1d(1) below) that represents regular ownership of the corporation and is not accompanied by preferential rights. Include the value of warrants convertible into common stock.

Line 1c(5). Include the value of the plan's participation in a partnership or joint venture if the underlying assets of the partnership or joint venture are not considered to be plan assets under 29 CFR 2510.3-101. Do not include the value of a plan's interest in a partnership or joint venture that is a 103-12 IE. Include the value of a 103-12 IE in 1c(12).

Line 1c(6). Include the current value of both income and non-income producing real property owned by the plan. Do not include the value of property that is employer real property or property used in plan operations which should be reported on lines 1d and 1e, respectively.

Line 1c(7). Enter the current value of all loans made by the plan, except participant loans reportable on line 1c(8). Include the sum of the value of loans for construction, securities loans, commercial and/or residential mortgage loans that are not subject to Code section 72(p) (either by making or participating in the loans directly or by purchasing loans originated by a third party), and other miscellaneous loans.

Line 1c(8). Enter the current value of all loans to participants including residential mortgage loans that are subject to Code section 72(p). Include the sum of the value of the unpaid principal balances, plus accrued but unpaid interest, if any, for participant loans made under an individual account plan with investment experience segregated for each account, that are made in accordance with 29 CFR 2550.408b-1 and secured solely by a portion of the participant's vested accrued benefit. When applicable, combine this amount with the current value of any other participant loans. Do not include in column (b) a participant loan that has been deemed distributed during the plan year or any prior plan year under the provisions of Code

section 72(p) and proposed IRS regulation section 1.72(p)-1, if both of the following circumstances apply:

1. Under the plan, the participant loan is treated as a directed investment solely of the participant's individual account; and

2. As of the end of the plan year, the participant is not continuing repayment under the loan.

If the deemed distributed participant loan is included in column (a) and both of these circumstances apply, report the loan as a deemed distribution on line 2g. However, if either of these circumstances does not apply, the current value of the participant loan (including interest accruing thereon after the deemed distribution) should be included in column (b) without regard to the occurrence of a deemed distribution.

Note: *For a Form 5500 that is filed for any plan year after the 1999 plan year, the entry on line 1c(8), column (b), of Schedule H (participant loans - end of year) or on line 1a, column (b), of Schedule I (plan assets - end of year) must include the current value of any participant loan that was reported as a deemed distribution on line 2g for any earlier year if, the participant resumes repayment under the loan during the plan year. In addition, the amount to be entered on line 2g must be reduced by the amount of the participant loan that was reported as a deemed distribution on line 2g for the earlier year.*

After a participant loan that has been deemed distributed is reported on line 2g, it is no longer to be reported as an asset on Schedule H or Schedule I unless, in a later year, the participant resumes repayment under the loan. However, such a loan (including interest accruing thereon after the deemed distribution) that has not been repaid is still considered outstanding for purposes of applying Code section 72(p)(2)(A) to determine the maximum amount of subsequent loans. The loan is also considered outstanding for other purposes, such as the qualification requirements of Code section 401, including, for example, the determination of top-heavy status under Code section 416. See Q & As 12 and 19 of proposed IRS regulation section 1.72(p)-1.

Lines 1c(9), (10), (11), and (12). Enter the total current value of the plan's interest in DFEs on the appropriate lines as of the beginning and end of the plan year. The value of the plan's interest in each DFE at the end of the plan year must be reported on the Schedule D (Form 5500).

CAUTION *For plan and DFE years beginning on or after January 1, 2000, the plan's or DFE's interest in CCTs and PSAs for which a Form 5500 has not been filed may* ***not*** *be included on lines 1c(9) or 1c(10). The plan's or DFE's interest in the underlying assets of such CCTs and PSAs* ***must*** *be allocated and reported in the appropriate categories on a line-by-line basis on Part I of the Schedule H.*

1999 Transition Rule - *When completing the 1999 Schedule H for a plan or DFE that participates in a CCT or PSA for which a Form 5500 has not been filed, you may enter the current value of the plan's interest in all CCTs and PSAs on line 1c(9) or (10), as appropriate.*

Note: *For reporting purposes, a separate account that is not considered to be holding plan assets pursuant to 29 CFR 2510.3-101(h)(1)(iii) does not constitute a pooled separate account.*

Line 1c(14). Use the same method for determining the value of the insurance contracts reported here as you used for line 3 of Schedule A (Form 5500), or, if line 3 is not required, line 6.

Line 1c(15). Include all other investments not includable in lines 1c(1) through (14), such as options, index futures, repurchase agreements, state and municipal securities, collectibles, and other personal property.

Line 1d(1). An employer security is any security issued by an employer (including affiliates) of employees covered by the plan. These may include common stocks, preferred stocks, bonds, zero coupon bonds, debentures, convertible debentures, notes and commercial paper.

Line 1d(2). The term "employer real property" means real property (and related personal property) that is leased to an employer of employees covered by the plan, or to an affiliate of such employer. For purposes of determining the time at which a plan acquires employer real property for purposes of this line, such property shall be deemed to be acquired by the plan on the date on which the plan acquires the property or on the date on which the lease to the employer (or affiliate) is entered into, whichever is later.

Line 1e. Include the current (not book) value of the buildings and other property used in the operation of the plan. Buildings or other property held as plan investments should be reported in 1c(6) and 1d(2).

Do not include the value of future pension payments on lines 1g, h, i, j or k.

Line 1g. Noncash basis plans should include the total amount of benefit claims that have been processed and approved for payment by the plan. Welfare plans should also include "incurred but not reported" benefit claims.

Line 1h. Noncash basis plans should include the total amount of obligations owed by the plan which were incurred in the normal operations of the plan and have been approved for payment by the plan but have not been paid.

Line 1i. "Acquisition indebtedness", for debt-financed property other than real property, means the outstanding amount of the principal debt incurred:

1. By the organization in acquiring or improving the property;

2. Before the acquisition or improvement of the property if the debt was incurred only to acquire or improve the property; or

3. After the acquisition or improvement of the property if the debt was incurred only to acquire or improve the property and was reasonably foreseeable at the time of such acquisition or improvement. For further explanation, see Code section 514(c).

Line 1j. Noncash basis plans should include amounts owed for any liabilities that would not be classified as benefit claims payable, operating payables, or acquisition indebtedness.

Line 1l. The entry in column (b) must equal the sum of the entry in column (a) plus lines 2k, 2l(1), and 2l(2).

Part II - INCOME AND EXPENSE STATEMENT

Line 2a. Include the total cash contributions received and/or (for accrual basis plans) due to be received.

Note: *Plans using the accrual basis of accounting should not include contributions designated for years before the 1999 plan year on line 2a.*

Line 2a(1)(B). For welfare plans, report all employee contributions, including all elective contributions under a cafeteria plan (Code section 125). For pension plans, participant contributions, for purposes of this item, also include elective contributions under a qualified cash or deferred arrangement (Code section 401(k)).

Line 2a(2). Use the current value, at date contributed, of securities or other noncash property.

Line 2b(1)(A). Enter interest earned on interest-bearing cash, including earnings from sweep accounts, STIF accounts, money market accounts, certificates of deposit, etc. This is the interest earned on the investments that are reported on line 1c(1).

Line 2b(1)(B). Enter interest earned on U.S. Government Securities. This is the interest earned on the investments that are reported on line 1c(2).

Line 2b(1)(C). Generally, this is the interest earned on securities that are reported on lines 1(c)(3)(A) and (B) and 1d(1).

Line 2b(2). Generally, the dividends are for investments reported on line 1c(4)(A) and (B) and 1d(1). For accrual basis plans, include any dividends declared for stock held on the date of record, but not yet received as of the end of the plan year.

Line 2b(3). Generally, rents represent the income earned on the real property that is reported in items 1c(6) and 1d(2). Rents should be entered as a "Net" figure. Net rents are determined by taking the total rent received and subtracting all expenses directly associated with the property. If the real property is jointly used as income producing property and for the operation of the plan, that portion of the expenses attributable to the income producing portion of the property should be netted against the total rents received.

Line 2b(4). Enter in column (b), the total of net gain (loss) on sale of assets. This equals the sum of the net realized gain (or loss) on each asset held at the beginning of the plan year which was sold or exchanged during the plan year, and on each asset that was both acquired and disposed of within the plan year.

Note: *As current value reporting is required for the Form 5500, assets are revalued to current value at the end of the plan year. For purposes of this form, the increase or decrease in the value of assets since the beginning of the plan year (if held on the first day of the plan year) or their acquisition date (if purchased during the plan year) is reported in line 2b(5) below, with two exceptions:* ***(1)*** *the realized gain (or loss) on each asset that was disposed of during the plan year is reported in 2b(4) (NOT on line 2b(5)), and* ***(2)*** *the net investment gain (or loss) from CCTs, PSAs, MTIAs, 103-12 IEs, and registered investment companies is reported in lines 2b(6) through (10).*

The sum of the realized gain (or loss) of assets sold or exchanged during the plan year is to be calculated as follows:

1. Enter in 2b(4)(A), column (a), the sum of the amount received for these former assets;

2. Enter in 2b(4)(B), column (a), the sum of the current value of these former assets as of the beginning of the plan year and the purchase price for assets both acquired and disposed of during the plan year; and

3. Enter in 2b(4)(C), column (b), the result obtained when 2b(4)(B) is subtracted from 2b(4)(A). If entering a negative number, enter a minus sign "–" to the left of the number.

Note: *Bond write-offs should be reported as realized losses.*

Line 2b(5). Subtract the current value of assets at the beginning of the year plus the cost of any assets acquired during the plan year from the current value of assets at the end of the year to obtain this figure. If entering a negative number, enter a minus sign "–" to the left of the number. Do not include the value of assets reportable in lines 2b(4) and 2b(6) through 2b(10).

Lines 2b(6), (7), (8), and (9). Report all earnings, expenses, gains or losses, and unrealized appreciation or depreciation that were included in computing the net investment gain (or loss) from all CCTs, PSAs, MTIAs, and 103-12 IEs here. If some plan funds are held in any of these entities and other plan funds are held in other funding media, complete all applicable subitems of line 2 to report plan earnings and expenses relating to the other funding media. The net investment gain (or loss) allocated to the plan for the plan year from the plan's investment in these entities is equal to:

1. The sum of the current value of the plan's interest in each entity at the end of the plan year,

2. Minus the current value of the plan's interest in each entity at the beginning of the plan year,

3. Plus any amounts transferred out of each entity by the plan during the plan year, and

4. Minus any amounts transferred into each entity by the plan during the plan year.

Enter the net gain as a positive number or the net loss as a negative number.

Note: *Enter the combined net investment gain or loss from all CCTs and PSAs, regardless of whether a DFE Form 5500 was filed for the CCTs and PSAs.*

Line 2b(10). Enter net investment gain (loss) from registered investment companies here. Compute in the same manner as discussed above for lines 2b(6) through (9).

Line 2c. Include all other plan income earned that is not included in 2a or 2b. Do not include transfers from other plans that should be reported in line 2l.

Line 2e(1). Include the current value of all cash, securities, or other property at the date of distribution. Include all eligible rollover distributions as defined in Code section 401(a)(31)(C) that have been paid at the participant's election to an eligible retirement plan (including an IRA within the meaning of section 401(a)(31)(D)).

Line 2e(2). Include payments to insurance companies and similar organizations such as Blue Cross, Blue Shield, and health maintenance organizations for the provision of plan benefits (e.g., paid-up annuities, accident insurance, health insurance, vision care, dental coverage, stop-loss insurance whose claims are paid to the plan (or which is otherwise an asset of the plan)), etc.

Line 2e(3). Include all payments made to other organizations or individuals providing benefits. Generally, these are individual providers of welfare benefits such as legal services, day care services, training and apprenticeship services.

Line 2f. Include on this line all distributions paid during the plan year of excess deferrals under Code section 402(g)(2)(A)(ii), excess contributions under section 401(k)(8), and excess aggregate contributions under section 401(m)(6). Include allocable income distributed. Also include on this line any elective deferrals and employee contributions that were distributed or returned to employees during the plan year in accordance with section 1.415-6(b)(6)(iv) of the Income Tax Regulations, as well as any attributable gains that were also distributed.

Line 2g. Report on line 2g a participant loan that is included in line 1c(8), column (a) (participant loans - beginning of year) and that has been deemed distributed during the plan year or any prior plan year under the provisions of Code section 72(p) and proposed IRS regulation section 1.72(p)-1 only if both of the following circumstances apply:

1. Under the plan, the participant loan is treated as a directed investment solely of the participant's individual account; and

2. As of the end of the plan year, the participant is not continuing repayment under the loan.

If either of these circumstances does not apply, a deemed distribution of a participant loan should not be reported on line 2g. Instead, the current value of the participant loan (including interest accruing thereon after the deemed distribution) should be included on line 1c(8), column (b) (participant loans - end of year), without regard to the occurrence of a deemed distribution.

Note: *For a Form 5500 that is filed for any plan year after the 1999 plan year, the amount to be reported on line 2g of Schedule H or Schedule I must be reduced if, during the plan year, a participant resumes repayment under a participant loan that was reported as a deemed distribution on line 2g for any earlier year. The amount of the required reduction is the amount of the participant loan that was reported as a deemed distribution on line 2g for the earlier year. If entering a negative number, enter a minus sign "–" to the left of the number. The current value of the participant loan must then be included in line 1c(8), column (b), of Schedule H (participant loans - end of year) or in line 1a, column (b), of Schedule I (plan assets - end of year).*

Although certain participant loans that are deemed distributed are to be reported on line 2g of the Schedule H or Schedule I, and are not to be reported on the Schedule H or Schedule I as an asset thereafter (unless the participant resumes repayment under the loan in a later year), they are still considered outstanding loans and are not treated as actual distributions for certain purposes. See Q&As 12 and 19 of proposed IRS regulation section 1.72(p)-1.

Line 2h. Interest expense is a monetary charge for the use of money borrowed by the plan. This amount should include the total of interest paid or to be paid (for accrual basis plans) during the plan year.

Line 2i. Report all administrative expenses (by specified category) paid by or charged to the plan, including those that were not subtracted from the gross income of CCTs, PSAs, MTIAs, and 103-12 IEs in determining their net investment gain(s) or loss(es). Expenses incurred in the general operations of the plan are classified as administrative expenses.

Line 2i(1). Include the total fees paid (or in the case of accrual basis plans costs incurred during the plan year but not paid as of the end of the plan year) by the plan for outside accounting, actuarial, legal, and valuation/appraisal services. Include fees for the annual audit of the plan by an independent qualified public accountant; for payroll audits; for accounting/bookkeeping services; for actuarial services rendered to the plan, and to a lawyer for rendering legal opinions, litigation, and advice (but not for providing legal services as a benefit to plan participants).

Include the fee(s) for valuations or appraisals to determine the cost, quality, or value of an item such as real property, personal property (gemstones, coins, etc.), and for valuations of closely held securities for which there is no ready market. Do not include amounts paid to plan employees to perform bookkeeping/accounting functions which should be included in 2i(4).

Line 2i(2). Enter the total fees paid (or in the case of accrual basis plans, costs incurred during the plan year but not paid as of the end of the plan year) to a contract administrator for performing administrative services for the plan. For purposes of the return/report, a contract administrator is any individual, partnership or corporation, responsible for managing the clerical operations (e.g., handling membership rosters, claims payments, maintaining books and records) of the plan on a contractual basis. Do not include salaried staff or employees of the plan or banks or insurance carriers.

Line 2i(3). Enter the total fees paid (or in the case of accrual basis plans, costs incurred during the plan year but not paid as of the end of the plan year) to an individual, partnership or corporation (or other person) for advice to the plan relating to its investment portfolio. These may include fees paid to manage the plan's investments, fees for specific advice on a particular investment, and fees for the evaluation of the plan's investment performance.

Line 2i(4). Other expenses are those that cannot be included in 2i(1) through 2i(3). These may include plan expenditures such as salaries and other compensation and allowances (e.g., payment of premiums to provide health insurance benefits to plan employees), expenses for office supplies and equipment, cars, telephone, postage, rent, expenses associated with the ownership of a building used in the operation of the plan, all miscellaneous expenses and trustees' fees and reimbursement of expenses associated with trustees such as lost time, seminars, travel, meetings, etc.

Line 2l. Include in these reconciliation figures the value of all transfers of assets or liabilities into or out of the plan resulting from, among other things, mergers and consolidations. A transfer of assets or liabilities occurs when there is a reduction of assets or liabilities with respect to one plan and the receipt of these assets or the assumption of these liabilities by another plan. A transfer is not a shifting of one plan's assets or liabilities from one investment to another. A transfer is not a distribution of all or part of an individual participant's account balance that is reportable on Form 1099-R (see the instructions for line 2e). Transfers out at the end of the year should be reported as occurring during the plan year.

Note: *If this Schedule H is filed for a DFE, report the value of all asset transfers to the DFE, including those resulting from contributions to participating plans on line 2l(1), and report the total value of all assets transferred out of the DFE, including assets withdrawn for disbursement as benefit payments by participating plans, on line 2l(2). Contributions and benefit payments are considered to be made to/by the plan (not to/by a DFE).*

Part III - ACCOUNTANT'S OPINION

Line 3. The administrator of an employee benefit plan who files a Schedule H (Form 5500) generally must engage an independent qualified public accountant pursuant to ERISA 103(a)(3)(A) and 29 CFR 2520.103-1(b). This requirement also applies to a Form 5500 filed for a 103-12 IE and for a GIA (see 29 CFR 2520.103-12 and 29 CFR 2520.103-2). The accountant's report must be attached to the Form 5500 when a Schedule H (Form 5500) is attached unless line 3b(1) or 3b(2) on the Schedule H is checked.

29 CFR 2520.103-1(b) requires that any separate financial statements prepared in order for the independent qualified public accountant to form the opinion and notes to these financial statements must be attached to the Form 5500. Any separate statements must include the information required to be disclosed in Parts I and II of the Schedule H; however, they may be aggregated into categories in a manner other than that used on the Schedule H. The separate statements should be either typewritten or printed and consist of reproductions of Parts I and II or statements incorporating by references Parts I and II. See ERISA section 103(a)(3)(A), and the DOL regulations 29 CFR 2520.103-1(a)(2) and (b), 2520.103-2, and 2520.104-50.

If the required accountant's report is not attached to the Form 5500, the filing is subject to rejection as incomplete and penalties may be assessed.

CAUTION *Plans that are NOT unfunded include those plans that received employee (or former employee) contributions during the plan year and/or used a trust or separately maintained fund (including a Code section 501(c)(9) trust) to hold plan assets or act as a conduit for the transfer of plan assets during the plan year. See page 6 of the Form 5500 instructions under* ***Lines and Schedules To Complete.***

Lines 3a(1) through 3a(4). These boxes identify the type of opinion offered by the accountant. Enter the name and EIN of the accountant (or accounting firm) in the space provided on line 3d.

Line 3a(1). Check if an unqualified opinion was issued. Generally, an unqualified opinion is issued when the independent qualified public accountant concludes that the plan's financial statements present fairly, in all material respects, the financial status of the plan as of the end of the period audited and the changes in its financial status for the period under audit in conformity with generally accepted accounting principles.

Line 3a(2). Check if a qualified opinion was issued. Generally a qualified opinion is issued by an independent qualified public accountant when the plan's financial statements present fairly, in all material respects, the financial status of the plan as of the end of the audit period and the changes in its financial status for the period under audit in conformity with generally accepted accounting principles, except for the effects of one or more matters that are described in the opinion.

Line 3a(3). Check if a disclaimer of opinion was issued. A disclaimer of opinion is issued when the independent qualified public accountant does not express an opinion on the financial statements because he or she has not performed an audit sufficient in scope to enable him or her to form an opinion on the financial statements.

Line 3a(4). Check if the plan received an adverse accountant's opinion. Generally an adverse opinion is issued by an independent qualified public accountant when the plan's financial statements do not present fairly, in all material respects, the financial status of the plan as of the end of the audit period and the changes in its financial status for the period under audit in conformity with generally accepted accounting principles.

Line 3b(1). Check this box only if the Schedule H is being filed for a CCT, PSA, or MTIA.

Line 3b(2). Check this box if the plan has elected to defer attaching the accountant's opinion for the first of 2 consecutive plan years, one of which is a short plan year of 7 months or less. The Form 5500 for the first of the 2 years must be complete and accurate, with all attachments except for the accountant's report; and the Form 5500 for the second year must include: **(a)** financial schedules and statements for both plan years; **(b)** a report of an independent qualified public accountant with respect to the financial schedules and statements for each of the 2 plan years (regardless of the number of participants covered at the beginning of each plan year); and **(c)** a statement identifying any material differences between the unaudited financial information submitted with the first Form 5500 and the audited financial information submitted with the second Form 5500. See 29 CFR 2520.104-50.

Note: *Do not check the box on line 3a(2) if the Form 5500 is filed for a 103-12 IE or a GIA. A deferral of the accountant's opinion is not permitted for a 103-12 IE or a GIA. If an E or G is entered on Form 5500, Part I, line A(4), an accountant's opinion must be attached to the Form 5500 and the type of opinion must be reported on Schedule H line 3a.*

Line 3c. Check this box only if the scope of the plan's audit was limited pursuant to DOL regulations 29 CFR 2520.103-8 and 2520.103-12(d) because the examination and report of an independent qualified accountant did not extend to: **(a)** information prepared and certified to by a bank or similar

institution or by an insurance carrier which is regulated and supervised and subject to periodic examination by a state or Federal agency, or **(b)** information included with the Form 5500 filed for a 103-12 IE. See 29 CFR 2520.103-8 and 2520.103-12(d).

Note: *These regulations do not exempt the plan administrator from engaging an accountant or from attaching the accountant's report to the Form 5500.*

Part IV - TRANSACTIONS DURING PLAN YEAR

Plans with assets held in a CCT, PSA, MTIA, or 103-12 IE should complete Part IV and report their investment in these entities, but not the investments made by these entities. Plans with all of their funds held in a master trust should check "No" on Schedule H, lines 4b, c, i , and j. CCTs and PSAs filing as DFEs are not required to complete Part IV, or any schedules required by Part IV.

Line 4a. Amounts paid by a participant or beneficiary to an employer and/or withheld by an employer for contribution to the plan are participant contributions that become plan assets as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets (see 29 CFR 2510.3-102). An employer holding these assets after that date commingled with its general assets will have engaged in a prohibited use of plan assets (see ERISA section 406). If such a nonexempt prohibited transaction occurred with respect to a disqualified person (see Code section 4975(e)(2)), file Form 5330 with the IRS to pay any applicable excise tax on the transaction. If no participant contributions were received or withheld by the employer during the plan year, answer "No."

Line 4b. Plans that check "Yes" must enter the amount and complete Part I of Schedule G. The due date, payment amount and conditions for determining default in the case of a note or loan are usually contained in the documents establishing the note or loan. A loan by the plan is in default when the borrower is unable to pay the obligation upon maturity. Obligations that require periodic repayment can default at any time. Generally loans and fixed income obligations are considered uncollectible when payment has not been made and there is little probability that payment will be made. A fixed income obligation has a fixed maturity date at a specified interest rate. Do not include participant loans made under an individual account plan with investment experience segregated for each account that were made in accordance with 29 CFR 2550.408b-1 and secured solely by a portion of the participant's vested accrued benefit.

Line 4c. Plans that check "Yes" must enter the amount and complete Part II of Schedule G. A lease is an agreement conveying the right to use property, plant or equipment for a stated period. A lease is in default when the required payment(s) has not been made. An uncollectible lease is one where the required payments have not been made and for which there is little probability that payment will be made.

Line 4d. Plans that check "Yes" must enter the amount and complete Part III of Schedule G. Check "Yes" if any nonexempt transaction with a party-in-interest occurred regardless of whether the transaction is disclosed in the accountant's report, unless the transaction is: **(1)** statutorily exempt under Part 4 of Title I of ERISA; **(2)** administratively exempt under ERISA section 408(a) or exempt under Code sections 4975(c) and 4975(d); **(3)** a transaction of a 103-12 IE with parties other than the plan; or **(4)** the holding of participant contributions in the employer's general assets for a welfare plan that meets the conditions of ERISA Technical Release 92-01.

Note: *See the instructions for Part III of the Schedule G (Form 5500) concerning non-exempt transactions and party-in-interest.*

You may indicate that an application for an administrative exemption is pending. If you are unsure as to whether a transaction is exempt or not, you should consult with either the plan's independent qualified public accountant or legal counsel or both.

Line 4e. Plans that check "Yes" must enter the aggregate amount of coverage for all claims. Check "Yes" only if the plan itself (as opposed to the plan sponsor or administrator) is a named insured under a fidelity bond covering plan officials and if the plan is protected as described in 29 CFR 2580.412-18. Generally, every plan official of an employee benefit plan who "handles" funds or other property of such plan must be bonded. Generally, a person shall be deemed to be "handling" funds or other property of a plan, so as to require bonding, whenever his or her other duties or activities with respect to given funds are such that there is a risk that such funds could be lost in the event of fraud or dishonesty on the part of such person, acting either alone or in collusion with others. Section 412 of ERISA and DOL regulations 29 CFR 2580 provide the bonding requirements, including the definition of "handling" (29 CFR 2580.412-6), the permissible forms of bonds (29 CFR 2580.412-10), the amount of the bond (29 CFR 2580, subpart C), and certain exemptions such as the exemption for unfunded plans, certain banks and insurance companies (ERISA section 412), and the exemption allowing plan officials to purchase bonds from surety companies authorized by the Secretary of the Treasury as acceptable reinsurers on Federal bonds (29 CFR 2580.412-23).

Note: *Plans are permitted under certain conditions to purchase fiduciary liability insurance. These policies do not protect the plan from dishonest acts and are not bonds which should be reported in line 4e.*

Line 4f. Check "Yes," if the plan had suffered or discovered any loss as a result of any dishonest or fraudulent act(s) even if the loss was reimbursed by the plan's fidelity bond or from any other source. If "Yes" is checked enter the full amount of the loss. If the full amount of the loss has not yet been determined, provide and disclose that the figure is an estimate, such as "@ $1000."

Note: *Willful failure to report is a criminal offense. See ERISA section 501.*

Lines 4g and 4h. *Current value* means fair market value where available. Otherwise, it means the fair value as determined in good faith under the terms of the plan by a trustee or a named fiduciary, assuming an orderly liquidation at time of the determination. See ERISA section 3(26).

An accurate assessment of fair market value is essential to a pension plan's ability to comply with the requirements set forth in the Code (e.g., the exclusive benefit rule of Code section 401(a)(2), the limitations on benefits and contributions under Code section 415, and the minimum funding requirements under Code section 412) and must be determined annually.

Examples of assets that may not have a readily determinable value on an established market (e.g., NYSE, AMEX, over the counter, etc.) include real estate, nonpublicly traded securities, shares in a limited partnership, and collectibles. Do not check "Yes" on line 4g if the plan is a defined contribution plan and the only assets the plan holds, that do not have a readily determinable value on an established market, are: **(1)** participant loans not in default, or **(2)** assets over which the participant exercises control within the meaning of section 404(c) of ERISA.

Although the current value of plan assets must be determined each year, there is no requirement that the assets (other than certain nonpublicly traded employer securities held in ESOPs) be valued every year by independent third-party appraisers.

Enter in the amount column the fair market value of the assets referred to on line 4g whose value was not readily determinable on an established market and which were not valued by an independent third-party appraiser in the plan year. Generally, as it relates to these questions, an appraisal by an independent third party is an evaluation of the value of an asset prepared by an individual or firm who knows how to judge the value of such assets and does not have an ongoing relationship with the plan or plan fiduciaries except for preparing the appraisals.

Line 4i. Check "Yes" if the plan had any assets held for investment purposes, and attach a schedule of assets held for investment purposes at end of year, a schedule of assets held for investment purposes that were both acquired and disposed of within the plan year, or both, as applicable. The schedules must use the format set forth below or a similar format and the same size paper as the Form 5500. See 29 CFR 2520.103-11.

Assets held for investment purposes shall include:

- Any investment asset held by the plan on the last day of the plan year; and

The following schedule must be clearly labeled **"Schedule of Assets Held for Investment Purposes At End of Year."**

(a)	(b) Identity of issue, borrower, lessor, or similar party	(c) Description of investment including maturity date, rate of interest, collateral, par, or maturity value	(d) Cost	(e) Current value

• Any investment asset purchased during the plan year and sold before the end of the plan year except:

1. Debt obligations of the U.S. or any U.S. agency.

2. Interests issued by a company registered under the Investment Company Act of 1940 (e.g., a mutual fund).

3. Bank certificates of deposit with a maturity of one year or less.

4. Commercial paper with a maturity of 9 months or less if it is valued in the highest rating category by at least two nationally recognized statistical rating services and is issued by a company required to file reports with the Securities and Exchange Commission under section 13 of the Securities Exchange Act of 1934.

5. Participations in a bank common or collective trust.

6. Participations in an insurance company pooled separate account.

7. Securities purchased from a broker-dealer registered under the Securities Exchange Act of 1934 and either: (1) listed on a national securities exchange and registered under section 6 of the Securities Exchange Act of 1934, or (2) quoted on NASDAQ.

Assets held for investment purposes shall not include any investment that was not held by the plan on the last day of the plan year if that investment is reported in the annual report for that plan year in any of the following:

1. The schedule of loans or fixed income obligations in default required by Schedule G, Part I;

2. The schedule of leases in default or classified as uncollectible required by Schedule G, Part II;

3. The schedule of non-exempt transactions required by Schedule G, Part III; and

4. The schedule of reportable transactions required by Schedule H, line 4j.

The first schedule required to be attached to the Form 5500 is a schedule of all assets held for investment purposes at the end of the plan year, aggregated and identified by issue, maturity date, rate of interest, collateral, par or maturity value, cost and current value, and, in the case of a loan, the payment schedule. The schedule must use the format shown above (or similar format) and the same size paper as the Form 5500. The schedule must be clearly labeled **"Schedule of Assets Held for Investment Purposes At End of Year."**

Note: *In column (a), place an asterisk (*) on the line of each identified person known to be a party-in-interest to the plan. In column (c), include any restriction on transferability of corporate securities. (Include lending of securities permitted under Prohibited Transactions Exemption 81-6.)*

Special rule for the following two schedules of assets for certain participant-directed transactions. *Column (d) cost information may be omitted when reporting transactions of an individual account plan that a participant or beneficiary directed with respect to assets allocated to his or her account (including a negative election authorized under the terms of the plan).*

The second schedule required to be attached to the Form 5500 is a schedule of investment assets that were both acquired and disposed of within the plan year. This schedule must be clearly labeled **"Schedule of Investment Assets Both Acquired and Disposed of Within the Plan Year."**

Note: *Participant loans under an individual account plan with investment experience segregated for each account, that are made in accordance with 29 CFR 2550.408b-1 and that are secured solely by a portion of the participant's vested accrued benefit, may be aggregated for reporting purposes in item 4i. Under identity of borrower enter "Participant loans," under rate of interest enter the lowest rate and the highest rate charged during the plan year (e.g., 8%-10%), under the cost and proceeds columns enter zero, and under current value enter the total amount of these loans.*

Line 4j. Check "Yes" and attach to the Form 5500 the following schedule if the plan had any reportable transactions (see 29 CFR 2520.103-6 and the examples provided in the regulation). The schedule must use the format set forth below or a similar format and the same size paper as the Form 5500. See 29 CFR 2520.103-11.

A *reportable transaction* includes:

1. A single transaction within the plan year in excess of 5% of the current value of the plan assets;

2. Any series of transactions with or in conjunction with the same person, involving other property other than securities, which amount in the aggregate within the plan year (regardless of the category of asset and the gain or loss on any transaction) to more than 5% of the current value of plan assets;

3. Any transaction within the plan year involving securities of the same issue if within the plan year any series of transactions with respect to such securities amount in the aggregate to more than 5% of the current value of the plan assets; and

4. Any transaction within the plan year with respect to securities with, or in conjunction with, a person if any prior or subsequent single transaction within the plan year with such person, with respect to securities, exceeds 5% of the current value of plan assets.

The 5% figure is determined by comparing the current value of the transaction at the transaction date with the current value of the plan assets at the beginning of the plan year.

If the assets of two or more plans are maintained in one trust, the plan's allocable portion of the transactions of the trust shall be combined with the other transactions of the plan, if any, to determine which transactions (or series of transactions) are reportable (5%) transactions.

This does not apply to investments in common/collective trusts, pooled separate accounts, master trust investment accounts, 103-12 IEs and registered investment companies, whose current value was reported in lines 1c(9) through 1c(13). Instead, for investments in these entities, determine the 5% figure by the comparing the transaction date value of the acquisition and/or disposition of units of participation or shares in the entity with the current value of the plan assets at the beginning of the plan year. If the Schedule H is attached to a

The following schedule must be clearly labeled **"Schedule of Investment Assets Both Acquired and Disposed of Within the Plan Year."**

(a) Identity of issue, borrower, lessor, or similar party	(b) Description of investment including maturity date, rate of interest, collateral, par, or maturity value	(c) Costs of acquisitions	(d) Proceeds of dispositions

The schedule must be clearly labeled **"Schedule of Reportable Transactions."**

(a) Identity of party involved	(b) Description of asset (include interest rate and maturity in case of a loan)	(c) Purchase price	(d) Selling price	(e) Lease rental	(f) Expense incurred with transaction	(g) Cost of asset	(h) Current value of asset on transaction date	(i) Net gain or (loss)

Form 5500 filed for a plan with all plan funds held in a master trust, check "No" on line 4j. Plans with assets in a master trust which have other transactions should determine the 5% figure by subtracting the current value of plan assets held in the master trust from the current value of all plan assets at the beginning of the plan year and check "Yes" or "No," as appropriate. Do not include individual transactions of investment arrangements reported in items 1c(9) through 1c(13).

In the case of a purchase or sale of a security on the market, do not identify the person from whom purchased or to whom sold.

Special rule for certain participant-directed transactions. *Transactions under an individual account plan that a participant or beneficiary directed with respect to assets allocated to his or her account (including a negative election authorized under the terms of the plan) should not be taken into account for purposes of preparing the Schedule of Reportable Transactions. The current value of all assets of the plan, including these transactions, should be included in determining the 5% figure for all other transactions.*

The schedule must be clearly labeled "**Schedule of Reportable Transactions.**"

Line 4k. Check "Yes" if all the plan assets (including insurance/annuity contracts) were distributed to the participants and beneficiaries, legally transferred to the control of another plan, or brought under the control of the PBGC.

Check "No" for a welfare benefit plan that is still liable to pay benefits for claims that were incurred prior to the termination date, but not yet paid. See 29 CFR 2520.104b-2(g)(2)(ii).

Note: *If "Yes" was checked on line 4k because all plan assets were distributed to participants and/or beneficiaries, you are encouraged to complete Schedule SSA (Form 5500), listing each participant reported on a previous Schedule SSA (Form 5500) who has received all of his/her plan benefits, and therefore, is no longer entitled to receive deferred vested benefits. This will ensure that SSA's records are correct, and help eliminate confusion for participants and plan administrators in the future. See the instructions to the Schedule SSA (Form 5500) for greater detail.*

Line 5a. Check "Yes" if a resolution to terminate the plan was adopted during this or any prior plan year, unless the termination was revoked and no assets reverted to the employer. If "Yes" is checked, enter the amount of plan assets that reverted to the employer during the plan year in connection with the implementation of such termination. Enter "-0-" if no reversion occurred during the current plan year.

Caution: *A Form 5500 must be filed for each year the plan has assets, and, in the case of a welfare benefit plan, if the plan is still liable to pay benefits for claims that were incurred prior to the termination date, but not yet paid. See 29 CFR 2520.104b-2(g)(2)(ii).*

Line 5b. Enter information concerning assets and/or liabilities transferred from this plan to another plan(s) (including spin-offs) during the plan year. A transfer of assets or liabilities occurs when there is a reduction of assets or liabilities with respect to one plan and the receipt of these assets or the assumption of these liabilities by another plan. Enter the name, PN, and EIN of the other plan(s) involved on lines 5b(1), (2) and (3).

Note: *A distribution of all or part of an individual participant's account balance that is reportable on **Form 1099-R** should not be included on line 5b.*

Caution: ***Form 5310-A**, Notice of Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business, must be filed at least 30 days before any plan merger or consolidation or any transfer of plan assets or liabilities to another plan. There is a penalty for not filing Form 5310-A on time. In addition, a transfer of benefit liabilities involving a plan covered by PBGC insurance may be reportable to the PBGC (see PBGC Form 10 and Form 10-Advance).*

1999 – *Financial Information – Small Plan* Instructions for Schedule I (Form 5500)

General Instructions

Who Must File

The Schedule I (Form 5500) must be attached to a Form 5500 filed for pension benefit plans and welfare benefit plans that covered fewer than 100 participants as of the beginning of the plan year.

Exception: If a Form 5500-C/R was filed for the plan for the 1998 plan year **and** the plan covered fewer than 121 participants as of the beginning of the 1999 plan year, the Schedule I may be completed instead of a Schedule H.

Note: *Certain insured, unfunded or combination unfunded/insured welfare plans are exempt from filing the Form 5500 and the Schedule I. In addition, certain fully insured pension plans are exempt from completing the Schedule I. See the Form 5500 instructions for* ***Pension and Welfare Plans Excluded From Filing*** *on page 3 and* ***Limited Pension Plan Reporting*** *on page 7 for more information.*

Check the Schedule I box on the Form 5500 (Part II, line 10b(2)) if a Schedule I is attached to the Form 5500. Do not attach both a Schedule I and a Schedule H to the same Form 5500.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule I is attached.

Note: *Do not mark through the printed line descriptions on the Schedule I and insert your own description as this may cause additional correspondence due to a computerized review of the Schedule I.*

Use either the cash, modified cash, or accrual basis for recognition of transactions, as long as you use one method consistently. Round off all amounts reported on the Schedule I to the nearest dollar. Any other amounts are subject to rejection. Check all subtotals and totals carefully.

If the assets of two or more plans are maintained in one fund, such as when an employer has two plans that are funded through a single trust (except a DFE), complete Parts I and II by entering the plan's allocable part of each line item.

If assets of one plan are maintained in two or more trust funds, report the combined financial information in Part I.

Current value means fair market value where available. Otherwise, it means the fair value as determined in good faith under the terms of the plan by a trustee or a named fiduciary, assuming an orderly liquidation at time of the determination. See ERISA section 3(26).

Part I - Small Plan Financial Information

Total plan assets at the beginning of the plan year plus the net income (loss) and any net transfers for the plan year must equal the total plan assets at the end of the plan year.

PLAN ASSETS AND LIABILITIES

Amounts reported on line 1a, 1b, and 1c for the beginning of the plan year must be the same as reported for the end of the plan year for corresponding lines on the 1998 return/report.

Do not include contributions designated for the 1999 plan year in column (a).

Line 1a. A plan with assets held in common/collective trusts, pooled separate accounts, master trust investment accounts, and/or 103-12 IEs must also attach Schedule D (Form 5500).

Use the same method for determining the value of the plan's interest in an insurance company general account (unallocated contracts) which you used for line 3 of Schedule A (Form 5500), or, if line 3 is not required, line 6.

Note: *Do not include in column (b) a participant loan that has been deemed distributed during the plan year or any prior plan year under the provisions of Code section 72(p) and proposed IRS regulation section 1.72(p)-1, if both of the following circumstances apply:*

1. *Under the plan, the participant loan is treated as a direct investment solely of the participant's individual account; and*

2. *As of the end of the plan year, the participant is not continuing repayment under the loan.*

If the deemed distributed participant loan is included in column **(a)** *and both of these circumstances apply, report the loan as a deemed distribution on line 2g. However, if either of these circumstances does not apply, the current value of the participant loan (including interest accruing thereon after the deemed distribution) should be included in column* **(b)** *without regard to the occurrence of a deemed distribution.*

For a Form 5500 that is filed for any plan year after the 1999 plan year, the entry on line 1a, column (b), of Schedule I (plan assets - end of year) or on line 1c(8), column (b), of Schedule H (participant loans - end of year) must include the current value of any participant loan that was reported as a deemed distribution on line 2g for any earlier year if, during the plan year, the participant resumes repayment under the loan. In addition, the amount to be entered on line 2g must be reduced by the amount of the participant loan that was reported as a deemed distribution on line 2g for the earlier year.

After a participant loan that has been deemed distributed is reported on line 2g, it is no longer to be reported as an asset on Schedule H or Schedule I unless, in a later year, the participant resumes repayment under the loan. However, such a loan (including interest accruing thereon after the deemed distribution) that has not been repaid is still considered outstanding for purposes of applying Code section 72(p)(2)(A) to determine the maximum amount of subsequent loans. The loan is also considered outstanding for other purposes, such as the qualification requirements of Code section 401, including, for example, the determination of top-heavy status under Code section 416. See Q&As 12 and 19 of proposed IRS regulation section 1.72(p)-1.

Line 1b. Enter the total liabilities at the beginning and end of the plan year. Liabilities to be entered here do not include the value of future pension payments to plan participants; however, the amount to be entered in line 1b for accrual basis filers includes, among other things:

1. Benefit claims that have been processed and approved for payment by the plan but have not been paid (including all incurred but not reported welfare benefit claims);

2. Accounts payable obligations owed by the plan that were incurred in the normal operations of the plan but have not been paid; and

3. Other liabilities such as acquisition indebtedness and any other amount owed by the plan.

Line 1c. Enter the net assets as of the beginning and end of the plan year. (Subtract line 1b from 1a.)

INCOME, EXPENSES, AND TRANSFERS FOR THIS PLAN YEAR

Line 2a. Include the total cash contributions received and/or (for accrual basis plans) due to be received.

Line 2a(1). Plans using the accrual basis of accounting should not include contributions designated for years before the 1999 plan year on line 2a(1).

Line 2a(2). For welfare plans, report all employee contributions, including all elective contributions under a cafeteria plan (Code section 125). For pension plans, participant contributions, for purposes of this item, also include elective contributions under a qualified cash or deferred arrangement (Code section 401(k)).

Line 2b. Use the current value, at date contributed, of securities or other noncash property.

Line 2d. Enter the total of all cash contributions (line 2a(1) through (3)), noncash contributions (line 2b), and other plan income during the plan year. If entering a negative number, enter a minus sign "–" to the left of the number. Plan income received and/or receivable may include, among other things:

1. Interest on investments (including money market accounts, sweep accounts, STIF accounts, etc.).

2. Dividends. (Accrual basis plans should include dividends declared for all stock held by the plan even if the dividends have not been received as of the end of the plan year.)

3. Rents from income-producing property owned by the plan.

4. Royalties.

5. Net gain or loss from the sale of assets.

6. Other income such as unrealized appreciation (depreciation) in plan assets. To compute this amount subtract the current value of all assets at the beginning of the year plus the cost of any assets acquired during the plan year from the current value of all assets at the end of the year minus assets disposed of during the plan year.

Line 2e. Include: **(1)** payments made (and for accrual basis filers payments due) to or on behalf of participants or beneficiaries in cash, securities, or other property (including rollovers of an individual's accrued benefit or account balance). Include all eligible rollover distributions as defined in Code section 401(a)(31)(C) that have been paid at the participant's election to an eligible retirement plan (including an IRA within the meaning of section 401(a)(31)(D)).; **(2)** payments to insurance companies and similar organizations such as Blue Cross, Blue Shield, and health maintenance organizations for the provision of plan benefits (e.g., paid-up annuities, accident insurance, health insurance, vision care, dental coverage, etc.); and **(3)** payments made to other organizations or individuals providing benefits. Generally, these payments discussed in (3) are made to individual providers of welfare benefits such as legal services, day care services, and training and apprenticeship services. If securities or other property are distributed to plan participants or beneficiaries, include the current value on the date of distribution.

Line 2f. Include all distributions paid during the plan year of excess deferrals under Code section 402(g)(2)(A)(ii), excess contributions under section 401(k)(8), and excess aggregate contributions under section 401(m)(6), allocable income distributed, and any elective deferrals and employee contributions that were distributed or returned to employees during the plan year in accordance with section 1.415-6(b)(6)(iv) of the Income Tax Regulations, as well as any attributable gains that were also distributed.

Line 2g. Report on line 2g a participant loan that is included in line 1a, column (a) (participant loans - beginning of year) and that has been deemed distributed during the plan year or any prior plan year under the provisions of Code section 72(p) and proposed IRS regulation section 1.72(p)-1 only if both of the following circumstances apply:

1. Under the plan, the participant loan is treated as a directed investment solely of the participant's individual account; and

2. As of the end of the plan year, the participant is not continuing repayment under the loan.

If either of these circumstances does not apply, a deemed distribution of a participant loan should not be reported on line 2g. Instead, the current value of the participant loan (including interest accruing thereon after the deemed distribution) should be included on line 1a, column (b) plan assets - end of year), without regard to the occurrence of a deemed distribution.

Note: *For a Form 5500 that is filed for any plan year after the 1999 plan year, the amount to be reported on line 2g of Schedule H or Schedule I must be reduced if, during the plan year, a participant resumes repayment under a participant loan that was reported as a deemed distribution on line 2g for any earlier year. The amount of the required reduction is the amount of the participant loan that was reported as a deemed distribution on line 2g for the earlier year. If entering a negative number, enter a minus sign "–" to the left of the number. The current value of the participant loan must then be included in line 1c(8), column (b), of Schedule H (participant loans - end of year) or in line 1a, column (b), of Schedule I (plan assets - end of year).*

Although certain participant loans that are deemed distributed are to be reported on line 2g of the Schedule H or Schedule I, and are not to be reported on the Schedule H or Schedule I as an asset thereafter (unless the participant resumes repayment under the loan in a later year), they are still considered outstanding loans and are not treated as actual distributions for certain purposes. See Q&As 12 and 19 of proposed IRS regulation section 1.72(p)-1.

Line 2h. Other expenses (paid and/or payable) may include, among others:

1. Salaries to employees of the plan;

2. Expenses for accounting, actuarial, legal, and investment services.

3. Fees and expenses for trustees including reimbursement for travel, seminars, and meeting expenses;

4. Fees paid for valuations and appraisals, and

5. Other administrative and miscellaneous expenses paid by or charged to the plan, including those that were not subtracted from the gross income of master trust investment accounts and 103-12IEs in determining their net investment gain(s) or loss(es).

Line 2i. Enter the total of all benefits paid or due as reported on lines 2e, 2f, and 2g and all other plan expenses (line 2h) during the year.

Line 2k. Enter the net value of all assets transferred to and from the plan during the plan year including those resulting from mergers and spin-offs. A transfer of assets or liabilities occurs when there is a reduction of assets or liabilities with respect to one plan and the receipt of these assets or the assumption of these liabilities by another plan. Transfers out at the end of the year should be reported as occurring during the plan year.

Note: *A distribution of all or part of an individual participant's account balance that is reportable on Form 1099-R should not be included on line 2k but must be included in benefit payments reported on line 2e.*

SPECIFIC ASSETS

Lines 3a through 3g. Check "Yes" and enter the amount or "No" as specified below. Do not include the plan's interest in CCTs, PSAs, MTIAs, and 103-12 IEs. (See instructions for **Direct Filing Entity (DFE)** on page 4 of the instructions for the Form 5500.)

Line 3a. Enter the value of the plan's participation in a partnership or joint venture, unless the partnership or joint venture is a 103-12 IE.

Line 3b. The term "employer real property" means real property (and related personal property) that is leased to an employer of employees covered by the plan, or to an affiliate of such employer. For purposes of determining the time at which a plan acquires employer real property for purposes of this line, such property shall be deemed to be acquired by the plan on the date on which the plan acquires the property or on the date on which the lease to the employer (or affiliate) is entered into, whichever is later.

Line 3d. An employer security is any security issued by an employer (including affiliates) of employees covered by the plan. These may include common stocks, preferred stocks, bonds, zero coupon bonds, debentures, convertible debentures, notes and commercial paper.

Line 3e. Enter the current value of all loans to participants including residential mortgage loans that are subject to Code section 72(p). Include the sum of the value of the unpaid principal balances, plus accrued but unpaid interest, if any, for participant loans made under an individual account plan with investment experience segregated for each account, that are made in accordance with 29 CFR 2550.408b-1 and secured solely by a portion of the participant's vested accrued benefit. When applicable, combine this amount with the current value of any other participant loans. Do not include any amount of a participant loan that has been deemed distributed during this or any prior plan year under the provisions of Code section 72(p) and proposed IRS regulation section 1.72(p)-1.

Note: *After participant loans have been deemed distributed and reported on line 2g of the Schedule I or H, they are no longer required to be reported as assets on the Schedule I or H.*

However, such loans (including interest accruing thereon after the deemed distribution) that have not been repaid are still considered outstanding for purposes of applying Code section 72(p)(2)(A) to determine the maximum amount of subsequent loans.

Line 3f. Enter the current value of all loans made by the plan, except participant loans reportable on line 3e. Include the sum of the value of loans for construction, securities loans, commercial and/or residential mortgage loans that are not subject to Code section 72(p) (either by making or participating in the loans directly or by purchasing loans originated by a third party), and other miscellaneous loans.

Line 3g. Include all property that has concrete existence and is capable of being processed, such as goods, wares, merchandise, furniture, machines, equipment, animals, automobiles, etc. This includes collectibles, such as works of art, rugs, antiques, metals, gems, stamps, coins, alcoholic beverages, musical instruments, and historical objects (documents, clothes, etc.). Do not include the value of a plan's interest in property reported on lines 3a through 3f, or intangible property, such as patents, copyrights, goodwill, franchises, notes, mortgages, stocks, claims, interests, or other property that embodies intellectual or legal rights.

Part II - Transactions During Plan Year

Plans with assets held in a CCT, PSA, MTIA, or 103-12 IE should complete Part I and report their investment in these entities, but not the investments made by these entities. Plans with all of their funds held in a master trust should check "No" on Schedule I, lines 4b, c, and i.

Line 4a. Amounts paid by a participant or beneficiary to an employer and/or withheld by an employer for contribution to the plan are participant contributions that become plan assets as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets (see 29 CFR 2510.3-102). An employer holding these assets after that date commingled with its general assets will have engaged in a prohibited use of plan assets (see ERISA section 406). If such a nonexempt prohibited transaction occurred with respect to a disqualified person (see Code section 4975(e)(2)), file Form 5330 with the IRS to pay any applicable excise tax on the transaction. If no participant contributions were received or withheld by the employer during the plan year, answer "No."

Line 4b. Plans that check "Yes" must enter the amount. The due date, payment amount and conditions for determining default in the case of a note or loan are usually contained in the documents establishing the note or loan. A loan by the plan is in **default** when the borrower is unable to pay the obligation upon maturity. Obligations that require periodic repayment can default at any time. Generally, loans and fixed income obligations are considered **uncollectible** when payment has not been made and there is little probability that payment will be made. A fixed income obligation has a fixed maturity date at a specified interest rate. Do not include participant loans made under an individual account plan with investment experience segregated for each account that were made in accordance with 29 CFR 2550.408b-1 and secured solely by a portion of the participant's vested accrued benefit.

Line 4c. Plans that check "Yes" must enter the amount. A lease is an agreement conveying the right to use property, plant or equipment for a stated period. A lease is in default when the required payment(s) has not been made. An uncollectible lease is one where the required payments have not been made and for which there is little probability that payment will be made.

Line 4d. Plans that check "Yes" must enter the amount. Check "Yes" if any non exempt transaction with a party-in-interest occurred, unless the transaction is: **(1)** statutorily exempt under Part 4 of Title I of ERISA, **(2)** administratively exempt under ERISA section 408(a) or exempt under Code sections 4975(c) and 4975(d), **(3)** a transaction of a 103-12 IE with parties other than the plan; or **(4)** the holding of participant contributions for a welfare plan that meets the conditions of ERISA Technical Release 92-01. You may indicate that an application for an administrative exemption is pending. If you are unsure as to whether a transaction is exempt or not, you should consult with either a qualified public accountant, legal counsel or both. If the plan is a qualified pension plan and a nonexempt prohibited transaction occurred with respect to a disqualified person, a Form 5330 should be filed with IRS to pay the excise tax on the transaction.

Party-in-Interest. For purposes of this form, party-in-interest is deemed to include a disqualified person see Code section 4975(e)(2). The term "party-in-interest" means, as to an employee benefit plan:

A. Any fiduciary (including, but not limited to, any administrator, officer, trustee or custodian), counsel, or employee of the plan;

B. A person providing services to the plan;

C. An employer, any of whose employees are covered by the plan;

D. An employee organization, any of whose members are covered by the plan;

E. An owner, director indirect, of 50% or more of the combined voting power of all classes of stock entitled to vote, or the total value of shares of all classes of stock of a corporation, (2) the capital interest or the profits interest of a partnership, or (3) the beneficial interest of a trust or unincorporated enterprise that is an employer or an employee organization described in C or D;

F. A relative of any individual described in A, B, C, or E;

G. A corporation, partnership, or trust or estate of which (or in which) 50% or more of: (1) the combined voting power of all classes of stock entitled to vote or the total value of shares of all classes of stock of such corporation, (2) the capital interest or profits interest of such

H. An employee, officer, director (or an individual having powers or responsibilities similar to those of officers or directors), or a 10% or more shareholder, directly or indirectly, of a person described in B, C, D, E, or G, or of the employee benefit plan; or

I. A 10% or more (directly or indirectly in capital or profits) partner or joint venturer of a person described in B, C, D, E, or G.

Nonexempt transactions with a party-in-interest include any direct or indirect:

A. Sale or exchange, or lease, of any property between the plan and a party-in-interest.

B. Lending of money or other extension of credit between the plan and a party-in-interest.

C. Furnishing of goods, services, or facilities between the plan and a party-in-interest.

D. Transfer to, or use by or for the benefit of, a party-in-interest, of any income or assets of the plan.

E. Acquisition, on behalf of the plan, of any employer security or employer real property in violation of Code section 407(a).

F. Dealing with the assets of the plan for a fiduciary's own interest or own account.

G. Acting in a fiduciary's individual or any other capacity in any transaction involving the plan on behalf of a party (or represent a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries.

H. Receipt of any consideration for his or her own personal account by a party-in-interest who is a fiduciary from any party dealing with the plan in connection with a transaction involving the income or assets of the plan.

Note: *Amounts paid by a participant or beneficiary to an employer and/or withheld by an employer for contribution to the plan are participant contributions that become plan assets as of the earliest date on which such contributions can reasonably be segregated from the employer's general assets (see 29 CFR 2510.3-102). An employer holding these assets after that date commingled with its general assets will have engaged in a prohibited use of plan assets for purposes of the nonexempt transactions described above (see ERISA section 406).*

Line 4e. Plans that check "Yes" must enter the aggregate amount of coverage for all claims. Check "Yes" only if the plan itself (as opposed to the plan sponsor or administrator) is a named insured under a fidelity bond covering plan officials and if the plan is protected as described in 29 CFR 2580.412-18. Generally, every plan official of an employee benefit plan who "handles" funds or other property of such plan must be bonded. Generally, a person shall be deemed to be "handling" funds or other property of a plan, so as to require bonding, whenever his or her other duties or activities with respect to given funds are such that there is a risk that such funds could be lost in the event of fraud or dishonesty on the part of such person, acting either alone or in collusion with others. Section 412 of ERISA and DOL regulations 29 CFR 2580 provide the bonding requirements, including the definition of "handling" (29 CFR 2580.412-6), the permissible forms of bonds (29 CFR 2580.412-10), the amount of the bond (29 CFR 2580, subpart C), and certain exemptions such as the exemption for unfunded plans, certain banks and insurance companies (ERISA section 412), and the exemption allowing plan officials to purchase bonds from surety companies authorized by the Secretary of the Treasury as acceptable reinsurers on Federal bonds (29 CFR 2580.412-23).

Note: *Plans are permitted under certain conditions to purchase fiduciary liability insurance. These policies do not protect the plan from dishonest acts and are not bonds which should be reported in line 4e*

Line 4f. Check "Yes," if the plan had suffered or discovered any loss as a result of any dishonest or fraudulent act(s) even if the loss was reimbursed by the plan's fidelity bond or from any other source. If "Yes" is checked enter the full amount of the loss. If the full amount of the loss has not yet been determined, provide and disclose that the figure is an estimate, such as "@ $1000."

Note: *Willful failure to report is a criminal offense. See ERISA section 501.*

Lines 4g and 4h. *Current value* means fair market value where available. Otherwise, it means the fair value as determined in good faith under the terms of the plan by a trustee or a named fiduciary, assuming an orderly liquidation at time of the determination. See ERISA section 3(26).

An accurate assessment of fair market value is essential to a pension plan's ability to comply with the requirements set forth in the Code (e.g., the exclusive benefit rule of Code section 401(a)(2), the limitations on benefits and contributions under Code section 415, and the minimum funding requirements under Code section 412) and must be determined annually.

Examples of assets that may not have a readily determinable value on an established market (e.g., NYSE, AMEX, over the counter, etc.) include real estate, nonpublicly traded securities, shares in a limited partnership, and collectibles. Do not check "Yes" on line 4g if the plan is a defined contribution plan and the only assets the plan holds, that do not have a readily determinable value on an established market, are: (1) participant loans not in default, or (2) assets over which the participant exercises control within the meaning of section 404(c) of ERISA.

Although the current value of plan assets must be determined each year, there is no requirement that the assets (other than certain nonpublicly traded employer securities held in ESOPs) be valued every year by independent third-party appraisers.

Enter in the amount column the fair market value of the assets referred to on line 4g whose value was not readily determinable on an established market and which were not valued by an independent third-party appraiser in the plan year. Generally, as it relates to these questions, an appraisal by an independent third party is an evaluation of the value of an asset prepared by an individual or firm who knows how to judge the value of such assets and does not have an ongoing relationship with the plan or plan fiduciaries except for preparing the appraisals.

Line 4i. Include as a single security all securities of the same issue. An example of a single issue is a certificate of deposit issued by the XYZ Bank on July 1, 1998, which matures on June 30, 1999, and yields 5.5%. For the purposes of line 4i, do not check "Yes" for securities issued by the U.S. Government or its agencies.

Line 4j. Check "Yes" if all the plan assets (including insurance/annuity contracts) were distributed to the participants and beneficiaries, legally transferred to the control of another plan, or brought under the control of the PBGC.

Check "No" for a welfare benefit plan that is still liable to pay benefits for claims that were incurred prior to the termination date, but not yet paid. See 29 CFR 2520.104b-2(g)(2)(ii).

Note: *If "Yes" was checked on line 4k because all plan assets were distributed to participants and/or beneficiaries, you are encouraged to complete Schedule SSA (Form 5500), listing each participant reported on a previous Schedule SSA (Form 5500) who has received all of his/her plan benefits, and therefore, is no longer entitled to receive deferred vested benefits. This will ensure that SSA's records are correct, and help eliminate confusion for participants and plan administrators in the future. See the instructions to the Schedule SSA (Form 5500) for greater detail.*

Line 5a. Check "Yes" if a resolution to terminate the plan was adopted during this or any prior plan year, unless the termination was revoked and no assets reverted to the employer. If "Yes" is checked, enter the amount of plan assets that reverted to the employer during the plan year in connection with the implementation of such termination. Enter "-0-" if no reversion occurred during the current plan year.

Caution: *A Form 5500 must be filed for each year the plan has assets, and, in the case of a welfare benefit plan, if the plan is still liable to pay benefits for claims that were incurred prior to the termination date, but not yet paid. See 29 CFR 2520.104b-2(g)(2)(ii).*

Line 5b. Enter information concerning assets and/or liabilities transferred from this plan to another plan(s) (including spin-offs) during the plan year. A transfer of assets or liabilities occurs when there is a reduction of assets or liabilities with respect to one plan and the receipt of these assets or the assumption of these liabilities by another plan. Enter the name, PN, and EIN of the other plan(s) involved on lines 5b(1), 5b(2) and 5b(3).

Note: *A distribution of all or part of an individual participant's account balance that is reportable on **Form 1099-R** should not be included on line 5b.*

Caution: ***Form 5310-A,*** *Notice of Merger or Consolidation, Spinoff, or Transfer of Plan Assets or Liabilities; Notice of Qualified Separate Lines of Business, must be filed at least 30 days before any plan merger or consolidation or any transfer of plan assets or liabilities to another plan. There is a penalty for not filing Form 5310- A on time. In addition, a transfer of benefit liabilities involving a plan covered by PBGC insurance may be reportable to the PBGC (see PBGC Form 10 and Form 10-Advance).*

1999 – *Annual Return of Fiduciary of Employee Benefit Trust*
Instructions for Schedule P (Form 5500)

General Instructions

Purpose of Form

You may use this schedule to satisfy the requirements under Code section 6033(a) for an annual information return from every section 401(a) organization exempt from tax under section 501(a). The statute of limitations under section 6501(a) for any trust described in section 401(a), which is exempt from tax under section 501(a), will not start to run until you file this schedule.

Who May File

Every trustee of a trust created as part of an employee benefit plan as described in Code section 401(a), and every custodian of a custodial account described in Code section 401(f).

How To File

File Schedule P for the trust year ending with or within any participating plan's plan year. Attach it to the Form 5500 or 5500-EZ filed by the plan for that plan year. A separately filed Schedule P will not be accepted. If the trust or custodial account is used by more than one plan, file one Schedule P. If a plan uses more than one trust or custodial account for its funds, file one Schedule P for each trust or custodial account.

Check the Schedule P box on the Form 5500 (Part II, line 10b(7)), and enter the number attached in the space provided if one or more Schedules P are attached to the Form 5500.

Trust's Employer Identification Number

Enter the trust employer identification number (EIN) assigned to the employee benefit trust or custodial account, if one has been issued to you. The trust EIN should be used for transactions conducted for the trust. If you do not have a trust EIN, enter the EIN you would use on **Form 1099-R**, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc., to report distributions from employee benefit plans and on **Form 945**, Annual Return of Withheld Federal Income Tax, to report withheld amounts of income tax from those payments.

Note: *Trustees who do not have an EIN may apply for one on **Form SS-4**, Application for Employer Identification Number. You must be consistent and use the same EIN for all trust reporting purposes.*

Signature

The fiduciary (trustee or custodian) must sign this schedule. If there is more than one fiduciary, the fiduciary authorized by the others may sign.

Other Returns and Forms That May Be Required

Form 990-T. For trusts described in Code section 401(a), a tax is imposed on income derived from business that is unrelated to the purpose for which the trust received a tax exemption. Report this income and tax on **Form 990-T**, Exempt Organization Business Income Tax Return. (See Code sections 511 through 514 and the related regulations.)

Form 1099-R. If you made payments or distributions to individual beneficiaries of a plan, report those payments on Form 1099-R. (See the Instructions for Forms 1099, 1098, 5498, and W-2G.)

Form 945. If you made payments or distributions to individual beneficiaries of a plan, you may be required to withhold income tax from those payments. Use Form 945 to report taxes withheld from nonpayroll items. (See **Circular E**, Employer's Tax Guide (Pub. 15), for more information.)

1999 – *Retirement Plan Information* Instructions for Schedule R (Form 5500)

General Instructions

Purpose of Schedule

The Schedule R reports certain information on plan distributions, and funding, and the adoption of amendments increasing the value of benefits in a defined benefit pension plan.

Who Must File

The Schedule R (Form 5500) must be attached to a Form 5500 filed for both tax qualified and nonqualified pension benefit plans. The parts of the Schedule R that must be completed depend on whether the plan is subject to the minimum funding standards of Code section 412 or ERISA section 302.

Exceptions: (1) The Schedule R should not be completed when the Form 5500 is filed for a pension plan that uses, as the sole funding vehicle for providing benefits, a tax deferred annuity arrangement under Code section 403(b)(1), a custodial account for regulated investment company stock under Code section 403(b)(7), and/or individual retirement accounts or annuities (as described in Code section 408). See the Form 5500 instructions for **Limited Pension Plan Reporting** on page 7 for more information.

(2) The Schedule R also should not be completed if the plan is not a defined benefit plan or otherwise subject to the minimum funding standards of Code section 412 or ERISA section 302 *and* no plan benefits were distributed during the plan year.

Check the Schedule R box on the Form 5500 (Part II, line 10a(1)) if a Schedule R is attached to the Form 5500.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule R is attached.

Part I - Distributions

"Distribution" includes only payments of benefits during the plan year, in cash, in kind, or by purchase for the distributee of an annuity contract from an insurance company. It does not include corrective distributions of excess deferrals, excess contributions, or excess aggregate contributions. It does not include a loan treated as a distribution under Code section 72(p).

"Participant" means any present or former employee who at any time during the plan year had an accrued benefit (account balance in a defined contribution plan) in the plan.

Line 1. Enter the total value of all distributions made during the year (regardless of when the distribution began) in any form other than cash, annuity contracts issued by an insurance company, or publicly traded employer securities.

Line 2. Enter the EIN(s) of any payor(s) who paid benefits on behalf of the plan to participants or beneficiaries during the plan year. If more than two payors made such payments during the year, enter the EINs of the two payors who paid the greatest dollar amounts during the year. For purposes of this line 2, include all payments made in cash, regardless of when the payments began. Include payments from an insurance company under an annuity only in the year the contract was purchased. Do not include distributions in kind reported on line 1.

Line 3. Enter the number of living or deceased participants whose benefits under the plan were distributed during the plan year in the form of a single sum distribution. For this purpose, a distribution of a participant's benefits will not fail to be a single sum distribution merely because, after the date of the distribution, the plan makes a supplemental distribution as a result of earnings or other adjustments made after the date of the single sum distribution. Also include any participants whose benefits were distributed in the form of a direct rollover to the trustee or custodian of a qualified plan or individual retirement account.

Part II - Funding Information

Complete Part II if the plan is subject to the minimum funding requirements of Code section 412 or ERISA section 302.

All qualified defined benefit and defined contribution plans are subject to the minimum funding requirements of Code section 412 unless they are described in the exceptions listed under section 412(h). These exceptions include profit- sharing or stock bonus plans, insurance contract plans described in section 412(i), and certain plans to which no employer contributions are made.

Nonqualified employee pension benefit plans are subject to the minimum funding requirements of ERISA section 302 unless specifically exempted under ERISA sections 4(a) or 301(a).

The employer or plan administrator of a defined benefit plan that is subject to the minimum funding requirements must file Schedule B as an attachment to Form 5500. Schedule B is not required to be filed for a money purchase defined contribution plan that is subject to the minimum funding requirements unless the plan is currently amortizing a waiver of the minimum funding requirements.

Line 4. Check "yes" if, for purposes of computing the minimum funding requirements for the plan year, the plan administrator is making an election intended to satisfy the requirements of Code section 412(c)(8) or ERISA section 302(c)(8). Under Code section 412(c)(8) and ERISA section 302(c)(8), a plan administrator may elect to have any amendment that is adopted after the beginning of the plan year for which it applies treated as having been made on the first day of the plan year if all of the following requirements are met:

1. The amendment is adopted no later than two and one-half months after the close of such plan year (two years for a multiemployer plan);

2. The amendment does not reduce the accrued benefit of any participant determined as of the beginning of such plan year; and

3. The amendment does not reduce the accrued benefit of any participant determined as of the adoption of the amendment unless the plan administrator notified the Secretary of the Treasury of the amendment and the Secretary either approved the amendment or failed to disapprove the amendment within 90 days after the date the notice was filed.

Line 5. If a money purchase defined contribution plan has received a waiver of the minimum funding standard, and the waiver is currently being amortized, lines 3, 9, and 10 of Schedule B must be completed. The Schedule B must be attached to Form 5500 but it need not be signed by an enrolled actuary.

Line 6a. The minimum required contribution for a money purchase defined contribution plan for a plan year is the amount required to be contributed for the year under the formula set forth in the plan document. If there is an accumulated funding deficiency for a prior year that has not been waived, that amount should also be included as part of the contribution required for the current year.

Line 6b. Include all contributions for the plan year that are made not later than 8½ months after the end of the plan year. Show only contributions actually made to the plan by the date the form is filed, i.e., do not include receivable contributions for this purpose.

Line 6c. If this amount is greater than zero there is an accumulated funding deficiency for the plan year and Form 5330 should be filed with the IRS to pay the excise tax on the deficiency. There is a penalty for not filing Form 5330 on time.

Line 7. A revenue procedure providing for automatic approval for a change in funding method for a plan year generally does not apply unless the plan administrator or an authorized representative of the plan sponsor explicitly agrees to the change. If a change in funding method that is made pursuant to such a revenue procedure (or a class ruling letter) is to be applicable for the current plan year, this line generally must be checked "Yes." In certain situations, however, the requirement that the plan administrator or an authorized representative of the

plan sponsor agree to the change in funding method will be satisfied if the plan administrator or an authorized representative of the plan sponsor is made aware of the change. In these situations, this line must be checked "N/A." See Section 4.02 of Rev. Proc. 99-45, 1999-49 I.R.B. 603.

Line 8. The transition rule of Code section 412(l)(11) and ERISA section 302(d)(11) provides an alternative method of computing the additional required funding charge. For such an election to apply for the current plan year check "yes" for this line.

Part III - Amendments

Line 9. Check "Yes" if an amendment was adopted during the plan year that increased the value of benefits in any way. This includes an amendment providing for an increase in the amount of benefits or rate of accrual, more generous lump sum factors, cost of living adjustments, more rapid vesting, additional payment forms, and earlier eligibility for some benefits.

1999 – *Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits*
Instructions for Schedule SSA (Form 5500)

General Instructions

Purpose of Form

Use Schedule SSA to report all participants with deferred vested benefit rights who separated from your company during the plan year. Also use Schedule SSA to correct information previously reported concerning participants with deferred vested benefits. The information reported on this schedule is given to the Social Security Administration which in turn provides it to participants when they file for Social Security benefits. Check the Schedule SSA box on the Form 5500 (Part II, line 10a(5)) if a Schedule SSA is attached to the Form 5500.

Who Must File

The plan administrator is responsible for filing Schedule SSA. Plans that cover only owners and their spouses do not have to file this schedule.

Note: *Government, church, or other plans that elect to voluntarily file the Schedule SSA* ***must*** *check the appropriate box on the schedule* ***and*** *complete lines 2 through 3c.*

What To File

File this schedule and complete all line items. All attachments to Schedule SSA should have entries only on the front of the page. If you need more space, use either: **(1)** additional copies of Schedule SSA, or **(2)** additional sheets the same size as the schedule containing all the information requested on the schedule. The information required in line 4 boxes (a) through (j) should be listed in the same format as line 4 on Schedule SSA.

You may send a machine-generated computer listing showing the information required on line 4 instead of completing line 4 on the schedule. Use the same format as line 4 on Schedule SSA. Complete A through D on Schedule SSA and enter on line 4 a statement that a list is attached. On each page of the computer listing, enter all the information from A through D.

When to Report a Separated Participant

In general, ***for a plan to which only one employer contributes,*** a participant must be reported on Schedule SSA if:

1. The participant separates from service covered by the plan in a plan year, and

2. The participant is entitled to a deferred vested benefit under the plan.

The separated participant must be reported no later than on the Schedule SSA filed for the plan year following the plan year in which separation occurred. However, you can report the separation in the plan year in which it occurs, if you want to report earlier. Do not report a participant more than once unless you wish to revise or update a prior Schedule SSA (see instructions for line 4, box (a), under codes B, C, or D).

In general, ***for a plan to which more than one employer contributes,*** a participant must be reported on Schedule SSA if:

1. The participant incurs two successive 1-year breaks in service (as defined in the plan for vesting purposes), and

2. The participant is (or may be) entitled to a deferred vested benefit under the plan.

The participant must be reported no later than on the Schedule SSA filed for the plan year in which the participant completed the second of the two consecutive 1-year breaks in service. The participant may be reported earlier (i.e., on the Schedule SSA filed for the plan year in which he or she separated from service or completed the first 1-year break in service).

When NOT to Report a Participant

A participant is not required to be reported on Schedule SSA if, before the date the Schedule SSA is required to be filed (including any extension of time for filing), the participant:

1. Is paid some or all of the deferred vested retirement benefit (see the **Caution** below), or

2. Returns to service covered by the plan and/or accrues additional retirement benefits under the plan, or

3. Forfeits all the deferred vested retirement benefit.

Caution: *If payment of the deferred vested retirement benefit ceases before* ***ALL*** *of the benefit to which the participant is entitled is paid to the participant, information relating to the deferred vested retirement benefit to which the participant remains entitled shall be filed on the Schedule SSA filed for the year* ***following*** *the last plan year within which a portion of the benefit is paid to the participant.*

Separation of a Re-Employed Employee

If the deferred vested benefit of a separated employee is different from that previously reported, you may use code B (see below) to report that employee's total vested benefit.

Revising Prior Report

You may use Schedule SSA to report revisions to pension information for a participant you reported on a previous Schedule SSA. This will ensure that SSA's records are correct. This is important since SSA provides Schedule SSA information that it has on file to participants when they file for Social Security benefits. If this information is not up-to-date, the participant may contact the plan administrator to resolve the difference.

You are encouraged to report changes or corrections to previously reported information (such as plan number), as this allows the Social Security Administration to provide accurate information to participants or their beneficiaries. You do not need to report changes in the value of the employees' accounts, since that is likely to change. However, you may report these changes if you want.

Split Plan Mergers

There are conditions where some employees covered by an existing plan are transferred to a different plan, or all of the employees of an existing plan are split between two or more different plans. The new administrator for each group of employees should complete a code C entry (see below) for each employee previously reported on a Schedule SSA for the other plan.

Where and How to File

File as an attachment to Form 5500.

Caution: *A penalty may be assessed if Schedule SSA (Form 5500) is not timely filed.*

Specific Instructions

Line D. Enter the sponsor's employer identification number (EIN) shown on Form 5500, line 2b.

Line 2. If the Post Office does not deliver mail to the street address and you have a P.O. box, enter the box number instead of the street address.

Line 4, box (a). From the following list, select the code that applies and enter that code in line 4, box (a).

Code A — Use this code for a participant not previously reported. Also complete boxes (b) through (h).

Code B — Use this code for a participant previously reported under the plan number shown on this schedule to modify some of the previously reported information. Enter all the current information for boxes (b) through (h).

Code C — Use this code for a participant previously reported under another plan number who will now be receiving his/her future benefit from the plan reported on this schedule. Also complete boxes (b), (c), (i), and (j).

Code D — Use this code for a participant previously reported under the plan number shown on this schedule who is no longer entitled to those deferred vested benefits. Also complete boxes (b) and (c). If you wish, you may also use this code to report those participants who are already receiving benefits as previously reported.

Line 4, box (b). Enter the exact social security number (SSN) of each participant listed. If the participant is a foreign national employed outside the United States who does not have an SSN, enter the word "FOREIGN."

Line 4, box (c). Enter each participant's name exactly as it appears on the participant's social security card.

Line 4, box (d). From the following list, select the code that describes the type of annuity that will be provided for the participant. Enter the code that describes the type of annuity that normally accrues under the plan at the time of the participant's separation from service covered by the plan (or for a plan to which more than one employer contributes at the time the participant incurs the second consecutive 1-year break in service under the plan).

Type of Annuity Code

A A single sum
B Annuity payable over fixed number of years
C Life annuity
D Life annuity with period certain
E Cash refund life annuity
F Modified cash refund life annuity
G Joint and last survivor life annuity
M Other

Line 4, box (e). From the following list, select the code that describes the benefit payment frequency during a 12-month period.

Type of Payment Code

A Lump sum
B Annually
C Semiannually
D Quarterly
E Monthly
M Other

Line 4, box (f). For a defined benefit plan, enter the amount of the periodic payment that a participant is entitled to receive under line 4, box (f).

For a plan to which more than one employer contributes, if the amount of the periodic payment cannot be accurately determined because the plan administrator does not maintain complete records of covered service, enter an estimated amount.

Line 4, box (g). For a defined contribution plan, if the plan states that a participant's share of the fund will be determined on the basis of units, enter the number of units credited to the participant.

If, under the plan, participation is determined on the basis of shares of stock of the employer, enter the number of shares and add the letters "SH" to indicate shares. A number without the "SH" will be interpreted to mean units.

Line 4, box (h). For defined contribution plans, enter the value of the participant's account at the time of separation.

Line 4, boxes (i) and (j). Show the EIN and plan number of the plan under which the participant was previously reported.

Signature. This form must be signed by the plan administrator. If more than one Schedule SSA is filed for one plan, only page one should be signed.

1999 – *Qualified Pension Plan Coverage Information*
Instructions for Schedule T (Form 5500)

General Instructions

Purpose of Schedule

Schedule T (Form 5500) is used by certain qualified pension benefit plans to provide information concerning the plan's compliance with the minimum coverage requirements of Code section 410(b).

Substantiation Guidelines

Revenue Procedure 93-42, 1993-2 C.B. 540, provides guidelines designed to reduce the burdens of substantiating compliance with the coverage and nondiscrimination requirements that apply to qualified pension benefit plans. Generally, Rev. Proc. 93-42 sets forth guidelines for: **(1)** the quality of data used in substantiating compliance with the coverage and nondiscrimination rules, **(2)** the timing of coverage and nondiscrimination testing, **(3)** the testing cycle of a plan, and (4) the qualified separate lines of business (QSLOB) rules. The substantiation guidelines may be used in completing Schedule T, if applicable.

Who Must File

The Schedule T (Form 5500) must generally be attached to the Form 5500 to report coverage information for a pension benefit plan (including profit-sharing and stock bonus plans) that is intended to be qualified under Code section 401(a) or 403(a). More than one Schedule T may be required. See the specific instructions for lines 1 and 2.

Schedule T may not be required every year. Check the Schedule T box on the Form 5500 (Part II, line 10a(2)), and enter the number attached in the space provided, **ONLY** if one or more Schedules T are attached to the Form 5500. If a Schedule T is not attached to the Form 5500 because the employer is using the three-year testing cycle rule in Revenue Procedure 93-42, and relying on the fact that the plan satisfied coverage in an earlier year, do not check the Schedule T box on Form 5500. Instead, enter in the space provided on Form 5500 line 10a(2) the year on which the employer is relying. See the instructions under **When to File** below. If the plan benefits the employees of more than one employer or if the employer operates QSLOBs, also see the instructions for lines 1 and 2.

When to File

Employers using the three-year testing cycle rule in Revenue Procedure 93-42 must file Schedule T for the first year in the plan's testing cycle. Schedule T need not be filed for the second or third year in the cycle if the employer is permitted to rely on the earlier year's testing. If the employer does not or cannot use the three-year testing rule, the Schedule T must be filed annually.

Specific Instructions

Lines A, B, C, and D. This information should be the same as reported in Part II of the Form 5500 to which this Schedule T is attached.

Note: *For purposes of the Schedule T (Form 5500), all employers that are members of the same controlled group (that is, they are aggregated under Code section 414(b), (c), or (m)) are treated as a single employer. For purposes of the Schedule T (Form 5500), "employee" includes any self-employed individual, common-law employee, or leased employee (within the meaning of Code section 414(n)) of any member of the controlled group.*

Line 1. If a plan benefits the employees of more than one employer and all the employers are members of the same controlled group, file only one Schedule T, treating all the employers as a single employer. However, if a plan benefits the employees of more than one employer and any of the employers are not members of the same controlled group, file as follows. File separate Schedules T for each controlled group and each other employer that have noncollectively bargained employees benefiting under the plan, as if the portions of the plan benefiting each controlled group's employees and each other employer's employees constituted separate plans. For this purpose, none of the employees benefiting under a plan are considered collectively bargained employees if more than 2% of the employees covered by the plan are professional employees. (See Regulations section 1.410(b)-6(d)(2) for the definition of collectively bargained employee and Regulations section 1.410(b)-9 for the definition of professional employee.) Schedule T need not be filed, however, for any controlled group or other employer that is permitted to rely on an earlier year's testing, as explained under **When to File** above. Instead, attach a list showing each controlled group and other employer that is relying on prior year testing, including name, employer identification number, and the testing year being relied on.

For purposes of Schedule T, each controlled group and each other employer that have employees benefiting under a plan that benefits the employees of more than one employer are referred to as "participating employers" in a plan "maintained by more than one employer." If applicable, enter on lines 1a and 1b the name and employer identification number of the participating employer to which the coverage information in lines 3 and 4 relates. Otherwise, leave lines 1a and 1b blank.

Alternatively, where two or more participating employers meet any of the exceptions in line 3, attach a list of such participating employers, including each participating employer's name and employer identification numbers and the line (3a, 3b, 3d, or 3e) that describes the exception that applies to that participating employer. This list may be combined with the list of participating employers that are relying on prior year testing, if applicable. Under this alternative, file separate Schedules T only for those participating employers that do not satisfy any of the exceptions in line 3 and are not relying on prior year testing.

Line 2. See Income Tax Regulations section 1.414(r). Do not complete lines 2a through 2d unless the employer maintaining the plan operates QSLOBs.

Line 2c. See Regulations sections 1.414(r)-1(c) and 1.414(r)-8.

Line 2d. If the plan benefits the employees of more than one QSLOB, and the employer applies the minimum coverage requirements on a QSLOB basis, file a separate Schedule T for each QSLOB that has employees benefiting under the plan for which the Form 5500 is being filed, as if each portion of the plan that benefits the employees of a particular QSLOB constituted a separate plan. Identify on line 2d the particular QSLOB to which the coverage information in lines 3 and 4 relates. Otherwise, leave line 2d blank. (Schedule T need not be filed, however, for any QSLOB that is permitted to rely on a prior year's testing, as explained under **When To File** above. Instead, attach a list showing each QSLOB relying on prior year testing and the testing year being relied on.)

Line 3. Check box 3a, 3b, 3c, or 3d to indicate if you meet any of the exceptions they describe. If box 3a, 3b, 3c, or 3d is checked, skip line 4.

Box 3a. Check this box if, during the plan year, the employer employed only highly compensated employees (within the meaning of Code section 414(q)), excluding employees who were collectively bargained employees (within the meaning of Regulations section 1.410(b)-6(d)(2)).

Box 3b. Check this box if, during the plan year, the plan benefited no highly compensated employees (within the meaning of Code section 414(q)), excluding employees who were collectively bargained employees (within the meaning of Regulations section 1.410(b)-6(d)(2)). See the instructions for line 4c(5) for the definition of "benefiting." This line should also be checked if no employee received an allocation or accrued a benefit under the plan for the plan year.

Box 3c. Check this box if, during the plan year, the plan benefited only collectively bargained employees (within the meaning of Regulations section 1.410(b)-6(d)(2)). However, do not check this box if more than 2% of the employees covered

by the plan were professional employees (within the meaning of Regulations section 1.410(b)-9).

Box 3d. Check this box if, during the plan year, the plan benefited 100% of the nonexcludable nonhighly compensated employees of the employer. The nonhighly compensated employees of the employer include all the self-employed individuals, common-law employees, and leased employees (within the meaning of Code section 414(n)) employed by the employer or any entity aggregated with the employer under Code section 414(b), (c) or (m) at any time during the plan year, excluding highly compensated employees (within the meaning of Code section 414(q)). Any such employee is a nonexcludable employee unless the employee is in one of the following categories:

1. Employees who have not attained the minimum age and service requirements of the plan.

2. Collectively bargained employees within the meaning of Regulations section 1.410(b)-6(d)(2).

3. Nonresident aliens who receive no U.S. source income.

4. Employees who fail to accrue a benefit solely because they: **(a)** fail to satisfy a minimum hour of service or a last day requirement under the plan; **(b)** do not have more than 500 hours of service for the plan year; and **(c)** are not employed on the last day of the plan year.

5. Employees of QSLOBs other than the one with respect to which this Schedule T is being filed.

Box 3e. Check this box if, for the plan year, the plan is treated as satisfying the minimum coverage requirements of Code section 410(b) under the "acquisition or disposition" rule in Code section 410(b)(6)(C).

Line 4. In general, a plan must satisfy the coverage requirements under one of three testing options. Under the daily testing option, the plan must satisfy the coverage requirements on each day of the plan year taking into account only employees who are employees on that day. A plan will satisfy the coverage requirements under the quarterly testing option if it satisfies them on at least one day in each quarter, taking into account only employees who are employees on that day, provided the quarterly testing dates reasonably represent the coverage of the plan over the entire plan year. Finally, a plan will satisfy the coverage requirements under the annual testing option if it satisfies them as of the last day of the plan year, taking into account all employees who were employees on any day during the plan year.

Rev. Proc. 93-42 also allows an employer to substantiate that a plan satisfies the coverage requirements on the basis of the employer's workforce on a single day during a plan year, taking into account only employees who are employees on that day, if that day is reasonably representative of the employer's workforce and the plan's coverage throughout the year. This is referred to as "snapshot" testing.

If a plan satisfies the coverage and nondiscrimination requirements for a plan year, the employer may generally rely on this for the two succeeding plan years and will not have to test the plan in those years, provided there have not been significant changes.

If the employer is using single day, "snapshot" testing, the data given on lines 4a through 4f should be for the most recent snapshot day.

Enter on line 4 the beginning date of the plan year with respect to which the data on lines 4a through 4f was gathered.

Line 4a. The definition of leased employee is in Code section 414(n).

Line 4b. Employers can satisfy coverage by aggregating generally any qualified plans that are not mandatorily disaggregated. See the instructions for lines 4c and 4e regarding mandatory disaggregation. The aggregated plans must also satisfy the nondiscrimination requirements of Code section 401(a)(4) on an aggregated basis. If the employer aggregates this plan with any other plan(s) for the coverage and nondiscrimination requirements, enter the information requested and complete the rest of line 4 for the plans, as aggregated.

Line 4c. Certain single plans must be disaggregated into two or more separate parts. Each of the disaggregated parts of the plan must then satisfy the coverage and nondiscrimination requirements as if it were a separate plan. Under the regulations, the following plans must be disaggregated:

1. A plan that includes a Code section 401(k) arrangement (a qualified cash or deferred arrangement) and a portion that is not a section 401(k) arrangement.

2. A plan that includes a Code section 401(m) feature (employee and matching contributions) and a portion that is not a Code section 401(m) feature.

3. A plan that includes an ESOP and a portion that is not an ESOP.

4. A plan that benefits both collectively bargained employees and noncollectively bargained employees. None of the employees benefiting under a plan are considered collectively bargained employees if more than 2% of the employees covered by the plan are professional employees. (See Regulations section 1.410(b)-6(d)(2) for the definition of collectively bargained employee and Regulations section 1.410(b)-9 for the definition of professional employee.)

If the plan is disaggregated solely because it benefits both collectively bargained employees and noncollectively bargained employees, complete lines 4c and 4d for the part of the plan that benefits noncollectively bargained employees. Do not complete line 4e. No information is required with respect to the part of the plan that benefits collectively bargained employees. If the plan is disaggregated for other reasons, complete lines 4c and 4d for one disaggregated part of the plan. Complete line 4e to report the ratio percentage(s) for the other disaggregated part(s) of the plan, regardless if identical to the entry on line 4d. For example, if the plan is a profit sharing plan that provides nonelective contributions, Code section 401(k) contributions, and Code section 401(m) contributions, you may complete lines 4c and 4d for the nonelective part of the plan and enter on line 4e the ratio percentages for the 401(k) and 401(m) parts of the plan.

Line 4c(1). Enter the total number of employees of the employer.

Line 4c(2). Enter the total number of excludable employees in the following categories:

1. Employees who have not attained the minimum age and service requirements of the plan.

2. Collectively bargained employees within the meaning of Regulations section 1.410(b)-6(d)(2).

3. Nonresident aliens who receive no U.S. source income.

4. Employees who fail to accrue a benefit solely because they: (a) fail to satisfy a minimum hour of service or a last day requirement under the plan; (b) do not have more than 500 hours of service for the plan year; and (c) are not employed on the last day of the plan year. See Regulations section 1.410(b)-6.

5. Employees of QSLOBs other than the one with respect to which this Schedule T is being filed.

Line 4c(4). The definition of highly compensated employee is contained in Code section 414(q) and its related regulations.

Line 4c(5). In general, an employee is "benefiting" if the employee receives an allocation of contributions or forfeitures, or accrues a benefit under the plan for the plan year. Certain other employees are treated as benefiting even if they fail to receive an allocation of contributions or forfeitures or to accrue a benefit solely because the employee is subject to plan provisions that limit plan benefits, such as a provision for maximum years of service, maximum retirement benefits, or limits designed to satisfy Code section 415. An employee is treated as benefiting under a plan (or portion of a plan) that provides for elective contributions under Code section 401(k) if the employee is eligible to make elective contributions to the Code section 401(k) arrangement even if he or she does not actually make elective contributions. Similarly, an employee is treated as benefiting under a plan (or portion of a plan) that provides for after-tax employee contributions or matching contributions under Code section 401(m) if the employee is eligible to make after-tax employee contributions or receive

allocations of matching contributions even if none are actually made or received.

Line 4d. In general, to compute the ratio percentage, divide the number of nonexcludable employees who benefit under the plan and are not highly compensated by the total number of nonexcludable nonhighly compensated employees; put this result in the numerator (top of the fraction). Divide the number of nonexcludable employees who benefit under the plan and who are highly compensated by the total number of nonexcludable highly compensated employees; put this result in the denominator (bottom of the fraction). Divide the numerator by the denominator, multiply by 100, and enter the result in line 4d. Enter to the nearest 0.1%.

If the information on lines 4c and 4d pertains to one part of a disaggregated plan, identify, in the space provided, the disaggregated part of the plan to which the information on lines 4c and 4d pertains as follows: "nonelective," "401(k)," "401(m)," "ESOP," "non-ESOP."

Line 4e. See the instructions for line 4c. Calculate the ratio percentage for the other disaggregated part(s) of the plan as described above and enter on line 4e. If entering information on line 4e, identify the disaggregated part(s) of the plan as follows: "401(k)," "401(m)," "nonelective," "ESOP," "non-ESOP."

If there are more than three other disaggregated parts of the plan, provide their ratio percentages on an attachment in the same format as line 4(e).

Line 4f. If the ratio percentage for the plan, or any disaggregated part of the plan, entered on line 4d or line 4e is less than 70%, the plan does not satisfy the ratio percentage test. An employer that is using single day "snapshot" testing may, in certain circumstances, need to adjust the 70% figure to compensate for the fact that the substantiation quality data or snapshot population does not reflect employee turnover and may overstate the plan's coverage. See section 3 of Rev. Proc. 93-42. If the plan, or any disaggregated part of the plan, does not satisfy the ratio percentage test, the plan will satisfy the minimum coverage requirements of the Code only if it satisfies the average benefit test.

A plan satisfies the average benefit test if it satisfies both the nondiscriminatory classification test and the average benefit percentage test. A plan satisfies the nondiscriminatory classification test if the plan benefits such employees as qualify under a classification set up by the employer and found by the Secretary not to be discriminatory in favor of highly compensated employees. Under Regulations section 1.410(b)-4, a classification will be deemed nondiscriminatory if the ratio percentage for the plan is equal to or greater than the safe harbor percentage. The safe harbor percentage is 50%, reduced by ¾ of a percentage point for each percentage point by which the nonhighly compensated employee concentration percentage exceeds 60%. The nonhighly compensated employee concentration percentage is the percentage of all the employees of the employer who are not highly compensated employees.

In general, a plan satisfies the average benefit percentage test if the actual benefit percentage for nonhighly compensated employees is at least 70% of the actual benefit percentage for highly compensated employees. See Regulations section 1.410(b)-5. All qualified plans of the employer, including ESOPs, Code section 401(k) plans, and plans with employee or matching contributions (Code section 401(m) plans) are aggregated in determining the actual benefit percentages. Do not aggregate plans that may not be aggregated for purposes of satisfying the ratio percentage test, other than ESOPs and Code section 401(k) and 401(m) plans. In addition, all nonexcludable employees, including those with no benefit under any qualified plan of the employer, are included in determining the actual benefit percentages.

OMB Control Numbers

Agency	OMB Number
Pension and Welfare Benefits Administration	1210-0110 1210-0089
Internal Revenue Service	1545-1610
Pension Benefit Guaranty Corporation	1212-0057
Social Security Administration	0960-0606

Paperwork Reduction Act Notice

We ask for the information on this form to carry out the law as specified in ERISA and Code sections 6039D, 6047(e), 6057(b), and 6058(a). You are required to give us the information. We need it to determine whether the plan is operating according to the law.

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books and records relating to a form or its instructions must be retained as long as their contents may become material in the administration of the Internal Revenue Code or are required to be maintained pursuant to Title I or IV or ERISA. Generally, the Form 5500 return/reports are open to public inspection. However, Schedules E, F, and SSA (Form 5500) are confidential, as required by Code section 6103.

The time needed to complete and file the forms listed below reflects the combined requirements of the Internal Revenue Service, Department of Labor, Pension Benefit Guaranty Corporation, and the Social Security Administration. These times will vary depending on individual circumstances. The estimated average times are:

	Pension Plans		Welfare Plans	
	Large	Small	Large	Small
Form 5500	1 hr., 44 min.	1 hr., 6 min.	1 hr., 38 min.	1 hr., 5 min.
Schedule A	1 hr., 41 min.	53 min.	8 hr., 10 min.	2 hr., 11 min.
Schedule B	6 hr., 38 min.	31 min.		
Schedule C	1 hr., 17 min.		52 min.	
Schedule D	10 hr.	10 hr.		
Schedule E	3 hr., 18 min.	3 hr., 18 min.		
Schedule F			45 min.	26 min.
Schedule G	11 hr., 58 min.		6 hr., 28 min.	
Schedule H	7 hr., 56 min.		3 hr., 22 min.	
Schedule I		1 hr., 28 min.		1 hr., 28 min.
Schedule P	13 min.	2 min.		
Schedule R	1 hr.	30 min.		
Schedule SSA	6 hr., 10 min.	1 hr., 42 min.		
Schedule T	4 hr., 40 min.	37 min.		

If you have comments concerning the accuracy of these time estimates or suggestions for making these forms simpler, we would be happy to hear from you. You can write to the Tax Forms Committee, Western Area Distribution Center, Rancho Cordova, CA 95743-0001. **DO NOT** send any of these forms or schedules to this address. Instead, see **Where To File** on page 5.

Index

0
80-120 Participant Rule 6
103-12 Investment Entity (103-12 IE) 4

A
About the Form 5500 1
Accountant's Opinion 41
Amended Return/Report 6
Amendments 51
Asset and Liability Statement 38
Attachments 6

C
Change In Plan Year 6
Changes To Note for 1999 1
Combination unfunded/insured welfare plan 3
Common/Collective Trust (CCT) 4, 8

D
Direct Filing Entity (DFE) 8
Direct Filing Entity (DFE) - Who Must File 4
Distribution 50

E
Electronic Filing 5
Extensions - Using Form 5558 5

F
Final Return/Report 6
  Master Trust Investment Account Final Report 6
  Mergers/Consolidations 6
  Pension and Welfare Plans That Terminated Without Distributing All Assets 6
  Welfare Plans Still Liable To Pay Benefits 6
Financial Schedules 15
Form 5500 Schedules 15
  Financial Schedules 15
  Fringe Benefit Schedule 15
  Pension Benefit Schedules 15
Fringe Benefit Plan - Who Must File 3
Fringe Benefit Schedule 15
Fully insured welfare benefit plan 3
Funding Information 50

G
Group Insurance Arrangement (GIA) 4

H
How To Get IRS Forms and Publications 2
  By Telephone 2
  In Person 2
  Personal Computer 2

I
Income and Expense Statement 39
Information Concerning Insurance Contract Coverage, Fees, and Commissions 20
Instructions for Schedule A 20
  Who Must File 20
Instructions for Schedule B 22
  Statement by Enrolled Actuary 22
  Who Must File 22
Instructions for Schedule C 30
  Who Must File 30
Instructions for Schedule D 32
  Who Must File 32
Instructions for Schedule E 34
  Who Must File 34
Instructions for Schedule F 35
  Who Must File 35
Instructions for Schedule G 36
  Who Must File 36
Instructions for Schedule H 38
  Who Must File 38
Instructions for Schedule I 45
  Who Must File 45
Instructions for Schedule P 49
  Who May File 49
Instructions for Schedule R 50
  Who Must File 50
Instructions for Schedule SSA 52
  Revising a Prior Report 52
  What To File 52
  When NOT to Report a Separated Participant 52
  When to Report a Separated Participant 52
  Who Must File 52
Instructions for Schedule T 54
  Who Must File 54
Investment and Annuity Contract Information 21

K
Kinds of Filers 10

L
Leases in Default or Classified as Uncollectible 36
Limited Pension Plan Reporting 7
Lines and Schedules to Complete - Fringe Benefit Plan 8
Lines and Schedules to Complete - Pension Plan 6
Lines and Schedules to Complete - Welfare Plan 7
Loans or Fixed Income Obligations in Default or Classified as Uncollectible 36

M
Master Trust Investment Account (MTIA) 4

N
Nonexempt Transactions 36, 47

P
Paper Filing 5
Party-in-Interest 47
Penalties 5
  Administrative 5
  Other 5
Pension Benefit Plan - Who Must File 2
Pension Benefit Schedules 15
Plan sponsor 11
Plans Excluded From Filing 3
Pooled Separate Account (PSA) 4, 8

R
Reportable transaction 43

S
Schedule of Assets Held for Investment Purposes At End of Year 43
Schedule of Investment Assets Both Acquired and Disposed of Within the Plan Year 43
Schedule of Reportable Transactions 44
Securities acquisition loan 34
Service Provider Information 30
Short Plan Year Rule 6
Signature and Date 6
Small Plan Financial Information 45
Income, Expenses, and Transfers for this Plan Year 45
Plan Assets and Liabilities 45
Snapshot testing 55
Special 1999 Transition Rule 4
Special rule for certain participant-directed transactions 44
Special Rules for Certain Plans of Partnerships and Wholly Owned Trades or Businesses 3
Statement by Enrolled Actuary 22
Substantiation Guidelines 54

T
Termination Information on Accountants and Enrolled Actuaries 31
Transactions During Plan Year 42, 47
Trust's Employer Identification Number 49

U
Unfunded welfare benefit plan 3

W
Welfare Benefit Contract Information 21
Welfare Benefit Plan - Who Must File 3
Welfare Plan And Fringe Benefit Plan Filing Together 8
When To File 4
DFEs other than GIAs 4
Extensions 4
Plans and GIAs 4
Short Years 4
Special 1999 Transition Rule 4
When to Report a Separated Participant 52
Where To File 5
Who Must File 2

[FR Doc. 00–1842 Filed 2–1–00; 8:45 am]
BILLING CODE 4510–29–C

Federal Register

Wednesday,
February 2, 2000

Part III

Department of Education

Foreign Language Assistance Grants (State Educational Agencies); New Awards for FY 2000; Notice Inviting Applications

DEPARTMENT OF EDUCATION

[CFDA No.: 84.293C]

Foreign Language Assistance Grants (State Educational Agencies) 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), this notice contains all of the information, application forms, and instructions needed to apply for an award under this competition.

Purpose of Program: This program provides grants to pay for the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

In awarding grants under this program, the Secretary supports projects that promote systemic approaches to improving foreign language learning in the State.

Eligible Applicants: State educational agencies.

Applications Available: February 2, 2000.

Deadline for Transmittal of Applications: March 20, 2000.

Deadline for Intergovernmental Review: May 22, 2000.

Available Funds: $ 500,000.

Estimated Range of Awards: $30,000–$70,000.

Estimated Average Size of Awards: $50,000.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: 36 months.

Applicable Regulations:

(a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75, 77, 79, 80, 81, 82, 85 and 86.

(b) 34 CFR Part 299.

Description of Program

Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act), authorizes the Foreign Language Assistance Grants program. Appropriations for this program are authorized by section 7206 of the Act. Applicants should note that section 7203 (c)(1) provides that the *Federal share* of the cost of activities assisted under this part for each fiscal year shall be *50 percent*. Section 7203(c)(3) of the Act provides that at least 75 percent of the funds appropriated under section 7206 shall be used for the expansion of foreign language learning in elementary grades. The Secretary does not fund projects that propose Native American languages.

Priority

Under 34 CFR 75.105(b)(2)(iv) and (c)(2)(i) and section 7204(b) of the Act (20 U.S.C. 7514(b)), the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards three points depending on how well an application meets this competitive priority. These points would be in addition to any points the application earns under the selection criteria for the program:

Competitive Preference Priority—Special Considerations (3 points)

Priority

Projects that propose to carry out one or more of the following activities: (1) intensive summer foreign language programs for professional development; (2) linking non-native English speakers in the community with the schools in order to promote two-way language learning; or (3) promoting the sequential study of a foreign language, beginning in elementary schools.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.210 and section 7203 of the Act to evaluate applications for the new grants 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 the project.* (10 points) The Secretary considers the need for the project. In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude of the need for services to be provided or the activities to be carried out by the proposed project.

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(Authority: 34 CFR 75.210(a) (ii) and (v))

(2) *Significance.* (20 points) The Secretary reviews each application to determine how well the proposed project will implement foreign language instructional programs that promote systemic approaches to improving foreign language learning in the State.

(Authority: 20 U.S.C. 7513(b)(1))

(3) *Quality of project design.* (25 points) The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(iii) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(Authority: 34 CFR 75.210(c)(i), (xiii) and (xviii))

(4) *Quality of project services.* (20 points)(i) The Secretary considers the quality of 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 services to be provided by the proposed project are appropriate to the needs of the intended recipients or the beneficiaries of those services.

(B) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(C) The likelihood that the services to be provided by the proposed project will lead to improvements in the achievement of students as measured against rigorous academic standards.

(Authority: 34 CFR 75.210(d)(1)–(3) (i), (iii) and (vii))

(5) *Quality of project personnel.* (10 points)(i) The Secretary considers the quality of the key personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for

employment from persons 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 qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience , of key project personnel.

(Authority: 34 CFR 75.210(e)(1)–(3) (i) and (ii))

(6) *Adequacy of resources.* (4 points) The Secretary considers the adequacy of resources for the project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(Authority: 34 CFR 75.210(f)(1) and (2)(iii)–(iv))

(7) *Quality of the management plan.* (5 points) The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(Authority: 34 CFR 75.210 (g)(1) and (2)(i) and (iv))

(8) **Quality of project evaluation plan.** (6 points) The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

(Authority: 34 CFR 75.210 (h)(i) and (vi)–(vii))

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.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact 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 State Single Point of Contact (SPOC), see the list published in the **Federal Register** on April 28, 1999 (64 FR 22963) or; you may view the latest SPOC list on the OMB Web site 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 State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.293C, U.S. Department of Education, Room 6213, 400 Maryland Avenue, SW, Washington, DC 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. *Do not send applications to the above address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and two copies of the application on or before the deadline date to:
U.S. Department of Education
Application Control Center
Attention: (CFDA# 84.293C)
Washington, DC 20202–4725
or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Eastern time) on or before the deadline date to:
U.S. Department of Education
Application Control Center
Attention: (CFDA# 84.293C)
Room #3633
Regional Office Building #3
7th and D Streets, SW
Washington, DC

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting

burden, guidance on addressing the EDGAR selection criteria, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (Standard Form 424) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Part III: Application Narrative.

ADDITIONAL MATERIALS:

a. Estimated Public Reporting Burden.

b. Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act).

c. Program Questions and Answers.

d. Group Application Certification.

e. State Educational Agency Data Form.

f. Project Documentation Form, including: Section I—Documentation of consultation with nonprofit private school officials; Section II—Appropriate box checked.

g. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

h. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

i. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 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.)

j. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published by the Office of Management and Budget at 61 FR 1413 (January 19, 1996).

k. Notice to All Applicants concerning a new provision in the Department of Education's General Education Provisions Act (GEPA).

An applicant 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.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each application as original or copy. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Harpreet Sandhu, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5617, Switzer Building, Washington, DC 20202–6510. Telephone: (202) 205–9808. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this notice in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the 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 portable document format (PDF) on the World Wide Web 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 preceding sites. If you have questions about using the PDF, call the U.S. Government Printing Office toll free at 1–800–293–6498; or in the Washington, DC 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. 7511–7514.

Dated: January 27, 2000.

Art Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

BILLING CODE 4000–01–U

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. Applicant's T-I-N
4. Catalog of Federal Domestic Assistance #: 8 4 2 9 3 C → Title: ~~Foreign Language Assistance Grant~~
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) - Fax #: ( ) -
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. 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)*:

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. 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.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: OR b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. 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: ___/___/___

REV. 11/12/99 ED 424

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 1-800-333-0505or 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 instructionsin **"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.

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.

BILLING CODE 4000–01–P

Application Narrative Instructions

Mandatory Page Limit for the Application Narrative

The narrative is the section of the application where you address the selection criteria used by reviewers in evaluating the application. You must limit the narrative to the equivalent of no more than 35 pages, using the following standards:

(1) A page is 8.5″ x 11″, on one side only with 1″ margins at the top, bottom and both sides.

(2) You must 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.

If you use a proportional computer font, you may not use a font smaller than a 12-point font. If you use a non-proportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to the Application for Federal Education Assistance Form (ED 424); the Budget Information Form (ED 524) and attached itemization of costs; the other application forms and attachments to those forms; the assurances and certifications; or the one-page abstract and table of contents described below.

IF, IN ORDER TO MEET THE PAGE LIMIT, YOU USE PRINT SIZE, SPACING, OR MARGINS SMALLER THAN STANDARDS SPECIFIED IN THIS NOTICE, YOUR APPLICATION WILL NOT BE CONSIDERED FOR FUNDING.

Additional Guidance

Abstract

The narrative section should be preceded by a one-page abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Table of Contents

The application should include a table of contents listing the parts of the narrative in the order of the selection criteria. Be sure that the table includes the page numbers where the parts of the narrative are found.

Budget

Budget line items must support the goals and objectives of the proposed project and must be directly related to the instructional design and all other project components.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes or curriculum vitae for project personnel; provide position descriptions instead. Do not include bibliographies, letters of support, or appendices in your application.

Final Application Preparation

Submit three copies of the application, including an original copy containing an original signature for each form requiring the signature of the authorized representative. Do not use elaborate bindings or covers. The application package must be mailed or hand-delivered to the Application Control Center (ACC) and postmarked by the deadline date.

Estimated 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 1885–0544 (Exp. 12/31/2001). The time required to complete this information collection is estimated to average 80 hour 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 time estimate(s) or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, DC 20202–4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Language Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5603, Switzer Building, Washington, DC 20202–6510.

FOREIGN LANGUAGE ASSISTANCE PROGRAM

GRANTS TO STATE EDUCATIONAL AGENCIES

(Program Questions and Answers)

Q. How can State educational agencies support programs that promote systemic approaches to improving foreign language learning in the States?

A. Activities may include staff development, curriculum development, development of State standards and appropriate assessment strategies, and use of instructional technology to improve foreign language learning in the State.

Q. How will the Secretary comply with the statutory requirement, set out in section 7204(b) of the Elementary and Secondary Education Act, to give special consideration to applications that describe programs that (1) include intensive summer foreign language programs for professional development; (2) link non-native English speakers in the community; or (3) promote the sequential study of a foreign language for students, beginning in elementary schools.

A. The Secretary has established a competitive priority to comply with this statutory requirement. Under that priority, the Secretary awards three additional points to applications that propose to carry out one or more of the activities specified in Section 7204(b) of the Act in a particularly effective way. These points would be in addition to any points the application earns under the Selection Criteria. This priority is set out in full in the Application Notice.

Q. How can an applicant promote two-way language learning?

A. Two-way language learning is promoted through encouraging interaction between non-native English speakers and foreign language learners in an instructional setting for purposes of facilitating foreign language acquisition. Although improvement of the English language skills of non-native English speakers is a desirable ancillary benefit of a project that utilizes two-way language learning, the primary focus of projects funded under the Foreign Language Assistance program must be on foreign language learning. As a consequence, funds received under the Foreign Language Assistance program should not be used to fund English language instruction.

Q. What is the definition of ''elementary school'' or ''secondary school''?

A. The definitions of these two terms are set out in 34 CFR 77.1(c). The term ''elementary school'' means: ''a day or residential school that provides elementary education, as determined under State law.'' The term ''secondary school'' means: ''a day or residential school that provides secondary education as determined under State law. In the absence of State law, the Secretary may determine, with respect to that State, whether the term includes education beyond the twelfth grade.''

Q. What is the State or LEA's share of costs for the Foreign language Assistance program for each fiscal year?

A. The State or LEA's share is 50 percent. However, a waiver may be granted for an LEA if the Secretary determines that the LEA does not have adequate resources to pay the non-Federal share of the cost of the activities. (Section 7203(c), 20 U.S.C. 7513(c)). The Education Department General Administrative Regulations, at 34 CFR 80.24, also addresses Federal Cost sharing requirements.

Q. What is the ultimate goal of effective foreign language education programs?

A. The ultimate goal of effective foreign language education programs is to develop communicative competency in a foreign language. The Secretary interprets ''communicative competency'' to mean the ability to communicate in meaningful and effective ways in a foreign language.

BILLING CODE 4000–01–U

GROUP APPLICATION CERTIFICATION

NOTE: This form must be completed by eligible parties applying as a group for a grant. This form must be accompanied by a group agreement that details the activities that each member of the group plans to perform under the grant.

(34 CFR 75.128(b)-(c)).

To the best of my knowledge and belief, all data in this application are true and correct. I agree to be bound to every statement and assurance made in this application.

Authorized Representative					Name of Institution/ Organization
Typed Name	Title	Signature	Date Signed	Telephone Number (Including Area Code)	

FOREIGN LANGUAGE DATA

Name of State Educational Agency

NOTE: This section must be completed by State educational agencies applying under the following program:

- Foreign Language Assistance Grants

1. Total number of local educational agencies (LEAs) in the State	
2. Total number of LEAs in the State providing foreign language programs	

3. Foreign languages taught

Elementary	Secondary

PROJECT DOCUMENTATION

Note: Submit the appropriate documents and information as specified below for the following programs:

FOREIGN LANGUAGE ASSISTANCE GRANT

Section I

Evidence of compliance with the Federal requirements for participation of students enrolled in nonprofit private schools. (See section 7116(h)(2) of Public Law 103–382 and 34 CFR 75.119, 76.652, and 76.656 below.) Sec. 7116. Applications. ''(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the programs is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children.''

(Authority: 20 U.S.C. 7426(h)(2))

Section 75.119 Information Needed if Private Schools Participate

If a program requires the applicant to provide an opportunity for participation of students enrolled in private schools, the application must include the information required of subgrantees under 34 CFR 76.656. (Approved by the Office of Management and Budget under control number 1880–0513)

(Authority: 20 U.S.C. 1221e–3 (a)(1))

Section 76–652 Consultation With Representatives of Private School Students

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:

(1) Which children will receive benefits under the project;

(2) How the children's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(Authority: 20 U.S.C. 1221e–3(a)(1))

76.656 Information in an Application for a Subgrant

An applicant for a subgrant shall include the following information in its application:

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with § 76.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

(Authority: 20 U.S.C. 1221e–3(a)(1))

BILLING CODE 4000–01–U

SECTION II

Check the appropriate box below:

- There are no eligible nonprofit private schools in the proposed service delivery area that wish to participate in the project. ❑
- One or more eligible nonprofit private schools in the proposed service delivery area wish to participate in the project and are listed on the enclosed student Data form. ❑
- There are no eligible nonprofit private schools in the proposed service delivery area. ❑

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

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.

[FR Doc. 00–2161 Filed 2–1–00; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Wednesday,
February 2, 2000

Part IV

Department of Education

Foreign Language Assistance Grants (Local Educational Agencies); New Awards for FY 2000; Notice Inviting Applications

DEPARTMENT OF EDUCATION

[CFDA No.: 84.293B]

Foreign Language Assistance Grants (Local Educational Agencies) 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), this notice contains all of the information, application forms, and instructions needed to apply for an award under this competition.

PURPOSE OF PROGRAM: This program provides grants to pay for the Federal share of the cost of innovative model programs providing for the establishment, improvement, or expansion of foreign language study for elementary and secondary school students.

In awarding grants under this program, the Secretary supports projects that—

(A) show the promise of being continued beyond their project period;

(B) demonstrate approaches that can be disseminated and duplicated in other local educational agencies; and

(C) may include a professional development component.

ELIGIBLE APPLICANTS: Local educational agencies.

APPLICATIONS AVAILABLE: February 2, 2000.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: March 20, 2000.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: May 22, 2000.

AVAILABLE FUNDS: $1,420,000.

ESTIMATED RANGE OF AWARDS: $50,000–$175,000.

ESTIMATED AVERAGE SIZE OF AWARDS: $112,500.

ESTIMATED NUMBER OF AWARDS: 12.

Note: The Department is not bound by any estimates in this notice.

PROJECT PERIOD: 36 months.

APPLICABLE REGULATIONS: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 75, 77, 79, 80, 81, 82, 85 and 86.

(b) 34 CFR part 299.

Description of Program

Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act), authorizes the Foreign Language Assistance Grants program. Appropriations for this program are authorized by section 7206 of the Act. Applicants should note that section 7203 (c)(1) provides that the Federal share of the cost of activities assisted under this part for each fiscal year is 50 percent. The Secretary may waive this requirement for any local educational agency which the Secretary determines does not have adequate resources to pay the non-Federal share of the cost of the activities assisted under this part. Section 7203(c)(3) of the Act provides that at least 75 percent of the funds appropriated under section 7206 must be used for the expansion of foreign language learning in elementary grades. The Secretary does not fund projects that propose Native American languages.

Priority

Under 34 CFR 75.105 (b)(2)(iv) and (c)(2)(i) and section 7204(b) of the Act (20 U.S.C. 7514(b)), the Secretary gives preference to applications that meet the following competitive priority. The Secretary awards three points depending on how well an application meets this competitive priority. These points would be in addition to any points the application earns under the selection criteria for the program.

Competitive Preference Priority—Special Considerations (3 points)

Projects that propose to carry out one or more of the following activities: (1) Intensive summer foreign language programs for professional development; (2) linking non-native English speakers in the community with the schools in order to promote two-way language learning; or (3) promoting the sequential study of a foreign language, beginning in elementary schools.

Selection Criteria

(a)(1) The Secretary uses the following selection criteria in 34 CFR 75.209 and 75.210 and section 7203 of the Act to evaluate applications for new grants 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)(1) *Need for the project.* (10 points)

The Secretary considers the need for the project. In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by the proposed project, including the nature and magnitude of those gaps or weaknesses.

(2) *Significance.* (20 points)

The Secretary reviews each application to determine how well the proposed project will implement foreign language instructional programs that will:

(i) Show the promise of being continued beyond the grant period; and

(ii) Demonstrate approaches that can be disseminated and duplicated in other local educational agencies.

(3) *Quality of the project design.* (25 points)

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(iii) The extent to which the design for implementing and evaluating the proposed project will result in information to guide possible replication of project activities or strategies, including information about the effectiveness of the approach or strategies employed by the project.

(4) *Quality of Project Services* (20 points)

(i) The Secretary considers the quality of 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 services to be provided by the proposed project are appropriate to the needs of the intended recipients or beneficiaries of those services.

(B) The extent to which the services to be provided by the proposed project reflect up-to-date knowledge from research and effective practice.

(C) The likelihood that the services to be provided by the proposed project will lead to improvements in the

achievement of students as measured against rigorous academic standards.

(5) *Quality of Project Personnel.* (10 points)

(i) The Secretary considers the quality of the key personnel who will carry out the proposed project.

(ii) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons 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 qualifications, including relevant training and experience, of the project director or principal investigator.

(B) The qualifications, including relevant training and experience, of key project personnel.

(6) *Adequacy of resources.* (4 points)

The Secretary considers the adequacy of resources for the project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(i) The extent to which the budget is adequate to support the proposed project.

(ii) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(7) *Quality of the management plan.* (5 points)

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(i) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(ii) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(8) *Quality of project evaluation plan.* (6 points)

The Secretary considers the quality of the evaluation to be conducted of the proposed project. In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project.

(ii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

(iii) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings.

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.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact 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 State Single Point of Contact (SPOC), see the list published in the **Federal Register** on April 28, 1999 (64 FR 22963) or; you may view the latest SPOC list on the OMB Web site 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 State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.293B, U.S. Department of Education, Room 6213, 400 Maryland Avenue, SW, Washington, DC 20202–0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Eastern time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. *Do not send applications to the above address.*

Instructions for Transmittal of Applications

(a) If an applicant wants to apply for a grant, the applicant must—

(1) Mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293B), Washington, DC 20202–4725; or

(2) Hand deliver the original and two copies of the application by 4:30 p.m. (Eastern time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.293B), Room #3633, Regional Office Building #3, 7th and D Streets, SW, Washington, DC.

(b) An applicant must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

(c) If an application is mailed through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) The Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) The applicant *must* indicate on the envelope and—if not provided by the Department—in Item 10 of the Application for Federal Assistance (Standard Form 424) the CFDA number—and suffix letter, if any—of the competition under which the application is being submitted.

Application Instructions and Forms

The appendix to this application is divided into three parts plus a statement regarding estimated public reporting burden, guidance on addressing the EDGAR selection criteria, and various assurances, certifications, and required documentation. These parts and additional materials are organized in the same manner that the submitted

application should be organized. The parts and additional materials are as follows:

Part I: Application for Federal Assistance (ED 424) and instructions.

Part II: Budget Information—Non-Construction Programs (ED Form No. 524) and instructions.

Part III: Application Narrative.

Additional Materials

a. Estimated Public Reporting Burden.

b. Part B of Title VII of the Elementary and Secondary Education Act of 1965, as amended (the Act).

c. Program Questions and Answers.

d. Group Application Certification.

e. Student Data.

f. Project Documentation Form, including: Section I—Documentation of consultation with nonprofit private school officials; Section II—Appropriate box checked.

g. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

h. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

i. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion: Lower Tier Covered Transactions (ED 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).

j. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. This document has been marked to reflect statutory changes. See the notice published in the **Federal Register** at (61 FR 1413) by the Office of Management and Budget on January 19, 1996).

k. Notice to All Applicants concerning a new provision in the Department of Education's General Education Provisions Act (GEPA).

An applicant 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.

All applicants must submit ONE original signed application, including ink signatures on all forms and assurances, and TWO copies of the application. Please mark each application as ''original'' or ''copy''. No grant may be awarded unless a completed application form has been received.

FOR FURTHER INFORMATION CONTACT: Rebecca Richey, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5616, Switzer Building, Washington, DC 20202–6510. Telephone (202) 205–9717. Margarita Ackley, U.S. Department of Education, 400 Maryland Avenue, SW, Room 5611, Switzer Building, Washington DC 20202–6510. Telephone: (202) 205–0506. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this notice in an alternate format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternate format the standard forms included in the notice.

Electronic Access to This Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web 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 preceding sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1–800–293–6498; or in the Washington, DC 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 Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 7511–7514.

Art Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

BILLING CODE 4001–01–P

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. Applicant's T-I-N
4. Catalog of Federal Domestic Assistance #: 8 4 2 9 3 B → Title: Foreign Language Assistance Grant (Local educational agencies)
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) - Fax #: ( ) -
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. 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)*:

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. 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.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: OR b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. 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: ___/___/___

REV. 11/12/99

ED 424

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 1-800-333-0505or 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.

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.

Application Narrative Instructions

Mandatory Page Limit for the Application Narrative

The narrative is the section of the application where you address the selection criteria used by reviewers ini evaluating the application. You must limit the narrative to the equivalent of no more than 35 pages, using the following standards:

(1) A page is 8.5″ × 11″, on one side only with 1″ margins at the top, bottom and both sides.

(2) You must 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.

If you use a proportional computer font, you may not use a font smaller than a 12-point font. If you use a non-proportional font or a typewriter, you may not use more than 12 characters per inch.

The page limit does not apply to the Application for Federal Education Assistance Form (ED 424); the Budget Information Form (ED 524) and attached itemization of costs; the other application forms and attachments to those forms; the assurances and certifications; or the one-page abstract and table of contents described below.

If, in order to meet the page limit, you use print size, spacing, or margins smaller than standards specified in this notice, your application will not be considered for funding.

Additional Guidance

Abstract

The narrative section should be preceded by a one-page abstract that includes a short description of the population to be served by the project, project objectives, and planned project activities.

Table of Contents

The application should include a table of contents listing the parts of the narrative in the order of the selection criteria. Be sure that the table includes the page numbers where the parts of the narrative are found.

Budget

Budget line items must support the goals and objectives of the proposed project and must be directly related to the instructional design and all other project components.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes or curriculum vitae for project personnel; provide position descriptions instead. Do not include bibliographies, letters of support, or appendices in your application.

Final Application Preparation

Submit three copies of the application, including an original copy containing an original signature for each form requiring the signature of the authorized representative. Do not use elaborate bindings or covers. The application package must be mailed or hand-delivered to the Application Control Center (ACC) and postmarked by the deadline date.

Estimated 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 1885–0540 (Exp. 12/31/2001). The time required to complete this information collection is estimated to average 80 hours 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 time estimate(s) or suggestions for improving this form, please write to:* U.S. Department of Education, Washington, DC 20202–4651.

If yo uhave comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, SW., Room 5603, Switzer Building, Washington, DC 20202–6510.

Foreign Language Assistance Program

Grants of Local Educational Agencies

(Program Questions and Answers)

Q. How will the Secretary comply with the statutory requirement, set out in Section 7204(b) of the Elementary and Secondary Education Act, to give special consideration to applications that describe programs that (1) include intensive summer foreign language programs for professional development; (2) link non-native English speakers in the community; or (3) promote the sequential study of a foreign language for students, beginning in elementary schools?

A. The Secretary has established a competitive priority to comply with this statutory requirement. Under that priority, the Secretary awards three additional points to applications that propose to carry out or more of the activities specified in Section 7204(b) of the Act in a particularly effective way. These points would be in addition to any points the application earns under the Selection Criteria. This priority is set out in full in the Application Notice.

Q. How can an applicant promote two-way language learning?

A. Two-way language learning is promoted through encouraging intersaction between non-native English speakers and foreign language learners in an instructional setting for purposes of facilitating foreign language acquisition. Although improvement of the English language skills of non-native English speakers is a desirable ancillary benefit of a project that utilizes two-way language learning, the primary focus of projects funded under the Foreign Language Assistance program must be on foreign language learning. As a consequence, funds received under the Foreign Language Assistance program should not be used to fund English language instruction.

Q. What is the definition of ''elementary school'' or ''secondary school''?

A. The definitions of these two terms are set out in 34 CFR 77.1(c). The term ''elementary school'' means: ''a day or residential school that provides elementary education, as determined under State law.'' The term ''secondary school'' means: ''a day or residential school that provides secondary education as determined under State law. In the absence of State law, the Secretary may determine, with respect to that State, whether the term includes education beyond the twelfth grade.''

Q. What is the State or LEA's share of costs for the Foreign Language Assistance program for each fiscal year?

A. The State or LEA's share is 50 percent. However, a waiver may be granted for an LEA if the Secretary determines that the LEA does not have adequate resources to pay the non-Federal share of the cost of the activities. (Section 7203(c), 20 U.S.C. 7513(c)). The Education Department General Administrative Regulations, at 34 CFR 80.24, also addresses Federal Cost sharing requirements.

Q. How does an LEA apply for a waiver of the non-Federal share of costs?

A. The Secretary suggests that local educational agencies—wishing to do so—request a waiver from the requirements of Section 7203(c) of the Act as a part of their grant application. This waiver request should include information that will assist the Secretary in determining whether the local educational agency seeking a waiver ''does not have adequate resources to pay the non-Federal share of the costs of the activities assisted under [the Foreign Language Assistance program].'' (Section 7203(b) of the Act, 20 U.S.C. 7513(c)(2)).

Q. Under this program, may an applicant propose to hire foreign language teachers?

A. Yes, program funds may be used to hire foreign language teachers.

Q. May two districts apply together if they are already working together in an elementary school foreign language program?

A. Yes, the statute does not prohibit school districts from applying together. The requirements on group applications are in 34 CFR 75.127–75.129.

Q. How can an LEA ensure that their proposed program design will lead to an enhanced and effective foreign language program?

A. An LEA may consider the National and State foreign language content standards when designing their program.

BILLING CODE 4000–01–P

GROUP APPLICATION CERTIFICATION

NOTE: This form must be completed by eligible parties applying as a group for a grant. This form must be accompanied by a group agreement that details the activities that each member of the group plans to perform under the grant.

(34 CFR 75.128(b)-(c)).

To the best of my knowledge and belief, all data in this application are true and correct. I agree to be bound to every statement and assurance made in this application.

Authorized Representative					Name of Institution/ Organization
Typed Name	Title	Signature	Date Signed	Telephone Number (including Area Code)	

FOREIGN LANGUAGE DATA

Name of Local Educational Agency

NOTE: This section must be completed by local educational agencies applying under the following program:

- Foreign Language Assistance Grants

1. Total number of students in the school district	
2. Total number of students in the district enrolled in a foreign language program	

3. Foreign languages taught in the school district

Elementary	Secondary

4. Name of project school	Language(s) to be taught	Grade(s) to be served	Number of students to be served

Project Documentation

Note: Submit the appropriate documents and information as specified below for the following programs:

Foreign Language Assistance Grant

Section I

Evidence of compliance with the Federal requirements for participation of students enrolled in nonprofit private schools. (See section 7116(h)(2) of Public Law 103–382 and 34 CFR 75.119, 76.652, and 76.656 below.) Sec. 7116. Applications. ''(2) in designing the program for which application is made, the needs of children in nonprofit private elementary and secondary schools have been taken into account through consultation with appropriate private school officials and, consistent with the number of such children enrolled in such schools in the area to be served whose educational needs are of the type and whose language and grade levels are of a similar type to those which the programs is intended to address, after consultation with appropriate private school officials, provision has been made for the participation of such children on a basis comparable to that provided for public school children.''

(Authority: 20 U.S.C. 7426(h)(2))

Section 75.119 Information Needed if Private Schools Pargicipate

If a program requires the applicant to provide an opportunity for participation of students enrolled in private schools, the application must include the information required of subgrantees under 34 CFR 76.656. (Approved by the Office of Management and Budget under control number 1880–0513.)

(Authority: 20 U.S.C. 1221e–3(a)(1))

Section 76–652 Consultation With Representatives of Private School Students

(a) An applicant for a subgrant shall consult with appropriate representatives of students enrolled in private schools during all phases of the development and design of the project covered by the application, including consideration of:

(1) Which children will receive benefits under the project;

(2) How the children's needs will be identified;

(3) What benefits will be provided;

(4) How the benefits will be provided; and

(5) How the project will be evaluated.

(b) A subgrantee shall consult with appropriate representatives of students enrolled in private schools before the subgrantee makes any decision that affects the opportunities of those students to participate in the project.

(c) The applicant or subgrantee shall give the appropriate representatives a genuine opportunity to express their views regarding each matter subject to the consultation requirements in this section.

(Authority: 20 U.S.C. 1221e–3(a)(1))

76.656 Information in an Application for a Subgrant

An applicant for a subgrant shall include the following information in its application:

(a) A description of how the applicant will meet the Federal requirements for participation of students enrolled in private schools.

(b) The number of students enrolled in private schools who have been identified as eligible to benefit under the program.

(c) The number of students enrolled in private schools who will receive benefits under the program.

(d) The basis the applicant used to select the students.

(e) The manner and extent to which the applicant complied with § 76.652 (consultation).

(f) The places and times that the students will receive benefits under the program.

(g) The differences, if any, between the program benefits the applicant will provide to public and private school students, and the reasons for the differences.

(Authority: 20 U.S.C. 1221e–3(a)(1))

BILLING CODE 4000–01–P

SECTION II

Check the appropriate box below:

- There are no eligible nonprofit private schools in the proposed service delivery area that wish to participate in the project. ❑
- One or more eligible nonprofit private schools in the proposed service delivery area wish to participate in the project and are listed on the enclosed student Data form. ❑
- There are no eligible nonprofit private schools in the proposed service delivery area. ❑

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

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.

[FR Doc. 00–2162 Filed 2–1–00; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Wednesday,
February 2, 2000

Part V

Department of Agriculture

Forest Service

Department of the Interior

Fish and Wildlife Service

36 CFR Part 242

50 CFR Part 100

Subsistent Management Regulations for Public Lands in Alaska and Subsistence Taking of Fish and Wildlife Regulations; Proposed Rule

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

RIN 1018–AF91

Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D—2001 Subsistence Taking of Fish and Wildlife Regulations

AGENCY: Forest Service, Agriculture; and Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: This proposed rule would revise regulations for seasons, harvest limits, methods, and means related to taking of fish and shellfish for subsistence uses during the 2001 regulatory year. The rulemaking is necessary because Subpart D is subject to an annual public review cycle. When final, this rulemaking will replace the fish and shellfish regulations (Subpart D, Sections____.26 and .27) included in the ''Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority, Final Rule'' which expire on February 28, 2001. This rule would also amend the Customary and Traditional Use Determinations of the Federal Subsistence Board (Section__.24 of Subpart C).

DATES: The Federal Subsistence Board must receive your written public comments and proposals to change this proposed rule no later than March 27, 2000. Federal Subsistence Regional Advisory Councils (Regional Councils) will hold public meetings to receive proposals to change regulations contained in this proposed rule from February 15–March 27, 2000, at various locations in Alaska. See **SUPPLEMENTARY INFORMATION** for additional information on meetings.

ADDRESSES: You may submit written comments and proposals to the Office of Subsistence Management, 1011 E. Tudor Road, Anchorage, Alaska 99503. See **SUPPLEMENTARY INFORMATION** for meeting locations.

FOR FURTHER INFORMATION CONTACT: Chair, Federal Subsistence Board, c/o U.S. Fish and Wildlife Service, Attention: Thomas H. Boyd, Office of Subsistence Management; (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Regional Subsistence Program Manager, USDA, Forest Service, Alaska Region, (907) 271–2540.

SUPPLEMENTARY INFORMATION:

Meeting Locations and Written Comment Procedures

The Federal Subsistence Board (Board) will hold meetings on this proposed rule at the following locations in Alaska:

North Slope Regional Council, Barrow: February 17, 2000.
Eastern Interior Regional Council, Fairbanks: February 21, 2000.
Western Interior Regional Council, Fairbanks: February 21, 2000.
Seward Peninsula Regional Council, Unalakleet: February 22, 2000.
Northwest Arctic Regional Council, Kotzebue: February 29, 2000.
Southcentral Regional Council, Kenai: March 1, 2000.
Southeast Regional Council, Douglas: March 13, 2000.
Kodiak/Aleutians Regional Council, Anchorage: March 21, 2000.
Yukon-Kuskokwim Delta Regional Council, Nunapitchuk: March 21, 2000.
Bristol Bay Regional Council, Dillingham: March 24, 2000.

We will publish notice of specific dates, times, and meeting locations in local and statewide newspapers prior to the meetings. We may need to change locations and dates based on weather or local circumstances. The amount of work on each Regional Council's agenda will determine the length of the Regional Council meetings. We will compile and distribute for additional public review during April 2000 the written proposals to change Subpart D fish and shellfish regulations and customary and traditional use determinations in Subpart C. A 30-day public comment period will follow distribution of the compiled proposal packet. We will accept written public comments on distributed proposals during the public comment period. You may present comments on published proposals to change fish and shellfish and customary and traditional use determination regulations relative to fish and shellfish to the Regional Councils at their fall meetings; locations, dates, and times to be announced. The Board will deliberate and take final action on proposals received that request changes to this proposed rule at a public meeting to be held in Anchorage during December 2000.

Providing the following information will facilitate the Board's review of your comments and proposals: (a) Your name, address, and telephone number; (b) The section and/or paragraph of the proposed rule for which your change is being suggested; (c) A statement explaining why the change is necessary; (d) The proposed wording change; and (e) Any additional information you believe will help the Board in evaluating your proposal. Proposals that fail to include the above information, or proposals that are beyond the scope of authorities in § __.24, Subpart C, and §§ __.26 and __.27, Subpart D, may be rejected. The Board may defer review and action on some proposals if workload exceeds work capacity of staff, Regional Councils, or Board. These deferrals will be based on recommendations of the affected Regional Council staff members and on the basis of least harm to the subsistence user. Proposals should be specific to customary and traditional use determinations or to subsistence fish and shellfish seasons, harvest limits, and/or methods and means.

Public Review Process—Regulation Comments, Proposals, and Public Meetings

This proposed rule will also be available for review through the Office of Subsistence Management's home page at http://www.r7.fws.gov/asm/home.html. You may submit written comments or proposed regulation changes in writing to the address identified at the beginning of this rulemaking by March 27, 2000. You may also present comments or proposals at Regional Council meetings to be held February 17–March 24, 2000. Proposals may also be submitted electronically to Bill__Knauer@fws.gov.

Following public distribution of proposals for changes to the 2001 proposed regulations, we will provide a comment period to allow public review of those proposals that will be considered by the Board. We will also hold a second series of Regional Council meetings in September and October 2000 to assist the Regional Councils in developing recommendations to the Board. You may submit written comments on those proposals to the U.S. Fish and Wildlife Service before conclusion of the comment period, which is presently scheduled to end on May 31, 2000. The Board will discuss and evaluate proposed changes to this rule during a public meeting scheduled to be held in Anchorage, December 2000. You may provide additional oral testimony on specific proposals before the Board at that time.

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. The State implemented a program that the Department of the Interior previously found to be consistent with ANILCA. However, in December 1989, the Alaska Supreme Court ruled in *McDowell* v. *State of Alaska* that the rural preference in the State subsistence statute violated the Alaska Constitution. The Court's ruling in *McDowell* required the State to delete the rural preference from the subsistence statute and, therefore, negated State compliance with ANILCA. The Court stayed the effect of the decision until July 1, 1990.

As a result of the *McDowell* decision, the Department of the Interior and the Department of Agriculture (Departments) assumed on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. On June 29, 1990, the Temporary Subsistence Management Regulations for Public Lands in Alaska were published in the **Federal Register** (55 FR 27114–27170). Consistent with Subparts A, B, and C of these regulations, the Departments established a Federal Subsistence Board to administer the Federal subsistence management program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, U.S. National Park Service; the Alaska State Director, U.S. Bureau of Land Management; the Alaska Area Director, U.S. Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service.

The ''Subsistence Management Regulations for Public Lands in Alaska; Final Rule'' was published in the **Federal Register** (57 FR 22940–22964) on May 29, 1992. In a lawsuit consolidated with *Alaska* v. *Babbitt*, plaintiff Katie John challenged these rules, arguing that navigable waters are properly included within the definition of ''public lands'' set out in ANILCA. The United States Court of Appeals for the Ninth Circuit subsequently held: ''[T]he definition of public lands includes those navigable waters in which the United States has an interest by virtue of the reserved water rights doctrine.'' *Alaska* v. *Babbitt*, 72 F.3d at 703–704. In the course of its decision, the Ninth Circuit also directed: ''[T]he Federal agencies that administer the subsistence priority are responsible for identifying those waters.'' Id. at 704. As a result, following publication of a proposed rule (62 FR 66126) on December 17, 1997, we published a final rule (Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, C, and D, Redefinition To Include Waters Subject to Subsistence Priority, Final Rule, 64 FR 1276) on January 8, 1999, that conformed the Federal subsistence management regulations to the Ninth Circuit's ruling.

Through the Board, these agencies have participated in development of regulations for Subparts A, B, and C, and the annual Subpart D regulations. All Board members have reviewed this proposed rule and agree with its substance. Because this proposed rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical text would be incorporated into 36 CFR part 242 and 50 CFR part 100.

Applicability of Subparts A, B, and C

Subparts A, B, and C (unless otherwise amended) of the Subsistence Management Regulations for Public Lands in Alaska, 50 CFR 100.1 to 100.23 and 36 CFR 242.1 to 242.23, remain effective and apply to this rule. Therefore, all definitions located at 50 CFR 100.4 and 36 CFR 242.4 apply to regulations found in this subpart.

Applicable Waters

We published regulations in the **Federal Register** January 8, 1999, (64 FR 1276) that identified those waters where a Federal reserved water right exists. These regulations would not change those areas of applicability.

Federal Subsistence Regional Advisory Councils

Pursuant to the Record of Decision, Subsistence Management Regulations for Federal Public Lands in Alaska, April 6, 1992, and the Subsistence Management Regulations for Federal Public Lands in Alaska, 36 CFR 242.11 (1999) and 50 CFR 100 (1999), and for the purposes identified therein, we divide Alaska into 10 subsistence resource regions, each of which is represented by a Federal Subsistence Regional Advisory Council (Regional Council). The Regional Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Alaska public lands. The Regional Council members represent varied geographical, cultural, and user diversity within each region.

The Regional Councils have a substantial role in reviewing the proposed rule and making recommendations for the final rule. Moreover, the Council Chairs, or their designated representatives, will present their Council's recommendations at the Board meeting in May 2000.

Proposed Changes From 2000 Seasons and Harvest Limit Regulations

Subpart D regulations are subject to an annual cycle and require development of an entire new rule each year. Customary and traditional use determinations are also subject to an annual review process providing for modification each year. The text of the 2000 Subparts C and D Final Rule served as the foundation for the 2001 Subparts C and D proposed rule. The regulations contained in this proposed rule will take effect on March 1, 2001, unless elements are changed by subsequent Board action following the public review process outlined herein.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Draft Environmental Impact Statement (DEIS) that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. That document described the major issues associated with Federal subsistence management as identified through public meetings, written comments, and staff analysis and examined the environmental consequences of the four alternatives. Proposed regulations (Subparts A, B, and C) that would implement the preferred alternative were included in the DEIS as an appendix. The DEIS and the proposed administrative regulations presented a framework for an annual regulatory cycle regarding subsistence hunting and fishing regulations (Subpart D). The Final Environmental Impact Statement (FEIS) was published on February 28, 1992.

Based on the public comment received, the analysis contained in the FEIS, and the recommendations of the

Federal Subsistence Board and the Department of the Interior's Subsistence Policy Group, it was the decision of the Secretary of the Interior, with the concurrence of the Secretary of Agriculture, through the U.S. Department of Agriculture-Forest Service, to implement Alternative IV as identified in the DEIS and FEIS (Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD), signed April 6, 1992). The DEIS and the selected alternative in the FEIS defined the administrative framework of an annual regulatory cycle for subsistence hunting and fishing regulations. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

We prepared an environmental assessment on the expansion of Federal jurisdiction over fisheries that is available by contacting the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior with the concurrence of the Secretary of Agriculture determined that the expansion of Federal jurisdiction does not constitute a major Federal action, significantly affecting the human environment and signed a Finding of No Significant Impact. Accordingly, an amended final rule for Subsistence Management Regulations for Public Lands in Alaska (64 FR 1276, published January 8, 1999) expanded the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations.

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. We completed Section 810 analyses as part of the FEIS and the environmental assessment processes. They concluded that the Federal Subsistence Management Program, with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but will not reach the ''may significantly restrict'' threshold for notice and hearings under ANILCA section 810(a) for any subsistence uses.

Paperwork Reduction Act

These rules contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995. They apply to the use of public lands in Alaska. The information collection requirements described below were approved by OMB under 44 U.S.C. 3501 and were assigned clearance number 1018–0075, which expires 5/31/2000. The information requirements described below will be submitted to OMB for approval beyond that date. We will not conduct or sponsor, and you are not required to respond to, a collection of information request unless it displays a currently valid OMB control number.

The collection of information under this rule will be achieved through the use of a Federal Subsistence Fish/Shellfish Harvest/Designated Harvester Application, which would be the same form as currently approved and used for the hunting program. This information will establish whether the applicant qualifies to participate in a Federal subsistence fishery on public land in Alaska and will provide a report of harvest and location of harvest.

The likely respondents to this collection of information are rural Alaska residents who wish to participate in specific subsistence fisheries on Federal land. The collected information is necessary to determine harvest success and harvest location in order to make management decisions relative to the conservation of healthy fish or shellfish populations. The annual burden of reporting and recordkeeping is estimated to average 0.25 hours per response, including time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. The estimated number of likely respondents under this rule is less than 1,000, yielding a total annual reporting and recordkeeping burden of 250 hours or less.

Direct comments on the burden estimate or any other aspect of this form to: Information Collection Officer, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 224 ARLSQ, Washington, DC 20240; and the Office of Management and Budget, Paperwork Reduction Project (Subsistence), Washington, DC 20503. Additional information collection requirements may be imposed if Local Advisory Committees subject to the Federal Advisory Committee Act are established under Subpart B.

Other Requirements

This rule was not subject to OMB review under Executive Order 12866. Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§ '' and a numbered heading; for example, [§ __.24 Customary and traditional determinations.]) (5) Is the description of the rule in the **SUPPLEMENTARY INFORMATION** section of the preamble helpful in understanding the rule? What else could we do to make the rule easier to understand. Send a copy of any comments that concern how we could make this rule easier to understand to: USFWS, Office of Subsistence Management, Thomas H. Boyd, 1011 E. Tudor Road, Anchorage, Alaska 99503. You may also e-mail the comments to this address: Bill__Knauer@fws.gov.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The Departments have determined that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

This rulemaking will impose no significant costs on small entities; the exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant positive economic effect on a number of small entities, such as ammunition, snowmachine, fishing tackle, boat, motor, and gasoline dealers. The number of small entities affected is unknown, but the fact that the positive effects will be seasonal in nature and will, in most cases, merely continue preexisting uses of public lands indicates that they will not be significant.

In general, the resources harvested under this rule will be consumed by the local harvester and do not result in a dollar benefit to the economy. However, we estimate that 24 million pounds of fish (including 8.3 million pounds of

salmon) are harvested by the local subsistence users annually and, if given a dollar value of $3.00 per pound for salmon and $0.58 per pound for other fish, would equate to about $34 million in food value State-wide.

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Act. This rule will not have an effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and no cost is involved to any State or local entities or tribal governments.

The Service has determined that these final regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988.

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over fish or wildlife resources on Federal lands unless it meets certain requirements.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951) and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

We emphasize that these regulations would apply only to Federal lands and waters where there is a Federal interest. Individuals who do not meet the requirements under these regulations may still harvest fish and shellfish on Federal lands and waters in accordance with other State fishing and hunting regulations, except in those instances where Federal lands or waters have been specifically closed to non-Federally qualified subsistence users.

Drafting Information. These regulations were drafted by William Knauer under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Additional guidance was provided by Curt Wilson, Alaska State Office, Bureau of Land Management; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Area Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service.

List of Subjects

36 CFR Part 242

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 100

Administrative practice and procedure, Alaska, Fish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

For the reasons set out in the preamble, the Departments propose to amend Title 36, Part 242, and Title 50, Part 100, of the Code of Federal Regulations, as set forth below.

PART ____—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

1. The authority citation for both 36 CFR Part 242 and 50 CFR Part 100 would continue to read as follows:

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart C—Board Determinations

2. We propose to amend subpart C of 36 CFR part 242 and 50 CFR part 100, by revising § ____.24(a)(2) and (a)(3) to read as follows:

§ ____.24 Customary and traditional use determinations.

(a) * * *

(2) *Fish determinations.*

Area	Species	Determination
Kotzebue area	All fish	Residents of the Kotzebue Area.
Norton Sound—Port Clarence Area	All fish	Residents of the Norton Sound-Port Clarence Area.
Yukon—Northern area—Yukon River drainage	Salmon, other than Yukon River Fall Chum salmon.	Residents of the Yukon Area, including the community of Stebbins.
Yukon River drainage	Yukon River Fall chum salmon	Residents of the Yukon River drainage, including the communities of Stebbins, Scammon Bay, Hooper Bay, and Chevak.
Yukon River drainage	Freshwater fish species (other than salmon), including sheefish, whitefish, lamprey, burbot, sucker, grayling, pike, char, and blackfish.	Residents of the Yukon-Northern Area.
Remainder	All fish	Residents of the Northern Area, except for those domiciled in Unit 26–B.
Kuskokwim area	Salmon	Residents of the Kuskokwim Area, except those persons residing on the United States military installation located on Cape Newenham, Sparevohn USAFB, and Tatalina USAFB.
	Rainbow trout	Residents of the communities of Quinhagak, Goodnews Bay, Kwethluk, Eek, Akiachak, Akiak, and Platinum.

Area	Species	Determination
	Pacific cod	Residents of the communities of Chevak, Newtok, Tununak, Toksook Bay, Nightmute, Chefornak, Kipnuk, Mekoryuk, Kwigillingok, Kongiganak, Eek, and Tuntutuliak.
	All other fish other than herring	Residents of the Kuskokwim Area.
Waters around Nunivak Island.	Herring and herring roe	Residents within 20 miles of the coast between the westernmost tip of the Naskonant Peninsula and the terminus of the Ishowik River and on Nunivak Island.
Bristol Bay area—Nushagak District, including drainages flowing into the district.	Salmon and other freshwater fish	Residents of the Nushagak District and freshwater drainages flowing into the district.
Naknek-Kvichak District—Naknek River drainage.	Salmon and other freshwater fish	Residents of the Naknek and Kvichak River drainages.
Naknek-Kvichak District—Iliamna-Lake Clark drainage.	Salmon and other freshwater fish	Residents of the Iliamna-Lake Clark drainage.
Togiak District, including drainages flowing into the district.	Salmon and other freshwater fish	Residents of the Togiak District, freshwater drainages flowing into the district, and the community of Manokotak.
Togiak District	Herring spawn on kelp	Residents of the Togiak District.
Remainder	All fish	Residents of the Bristol Bay Area.
Aleutian Islands area	All fish	Residents of the Aleutian Islands Area and the Pribilof Islands.
Alaska Peninsula area	Halibut	Residents of the Alaska Peninsula Area and the communities of Ivanof Bay and Perryville.
	All other fish in the Alaska Peninsula Area	Residents of the Alaska Peninsula Area.
Chignik area	Halibut, salmon and fish other than steelhead and rainbow trout.	Residents of the Chignik Area.
Kodiak area—except the Mainland District, all waters along the south side of the Alaska Peninsula bounded by the latitude of Cape Douglas (58°52′ North latitude) mid-stream Shelikof Strait, and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (57°11′22″ North latitude, 156°20′30″ W longitude).	Salmon	Residents of the Kodiak Island Borough, except those residing on the Kodiak Coast Guard Base.
Kodiak area	Fish other than steelhead and rainbow trout and salmon.	Residents of the Kodiak Area.
Cook Inlet area	Fish other than salmon, Dolly Varden, trout, char, grayling, and burbot.	Residents of the Cook Inlet Area.
Prince William Sound area—South-Western District and Green Island.	Salmon	Residents of the Southwestern District which is mainland waters from the outer point on the north shore of Granite Bay to Cape Fairfield, and Knight Island, Chenega Island, Bainbridge Island, Evans Island, Elrington Island, Latouche Island and adjacent islands.
North of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point.	Salmon	Residents of the villages of Tatitlek and Ellamar.
Glennallen Subdistrict of the Upper Copper River District and the waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek.	Salmon	Residents of the Prince William Sound Area.
Copper River District—remainder	Salmon	Residents of the Prince William Sound Area.
Yakutat area—Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to the Tsiu River.	Salmon	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Freshwater upstream from the terminus of streams and rivers of the Yakutat Area from the Doame River to Point Manby.	Dolly Varden, steelhead trout, and smelt	Residents of the area east of Yakutat Bay, including the islands within Yakutat Bay, west of the Situk River drainage, and south of and including Knight Island.
Southeastern Alaska area—District 1—Section 1–E in waters of the Naha River and Roosevelt Lagoon.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Saxman.
District 1—Section 1–F in Boca de Quadra in waters of Sockeye Creek and Hugh Smith Lake within 500 yards of the terminus of Sockeye Creek.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Saxman.

Area	Species	Determination
District 2—North of the latitude of the northern-most tip of Chasina Point and west of a line from the northern-most tip of Chasina Point to the eastern-most tip of Grindall Island to the eastern-most tip of the Kasaan Peninsula.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kasaan and in the drainage of the southeastern shore of the Kasaan Peninsula west of 132° 20′ W. long. and east of 132° 25′ W. long.
District 3—Section 3–A	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the townsite of Hydaburg.
District 3—Section A	Halibut and bottomfish	Residents of Southeast Area.
District 3—Section 3–B in waters east of a line from Point Ildefonso to Tranquil Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.
District 3—Section 3–C in waters of Sarkar Lakes.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Klawock and on Prince of Wales Island within the boundaries of the Klawock Heenya Corporation land holdings as they exist in January 1989, and those residents of the City of Craig and on Prince of Wales Island within the boundaries of the Shan Seet Corporation land holdings as they exist in January 1989.
District 5—North of a line from Point Barrie to Boulder Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9–A	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 9—Section 9–B north of the latitude of Swain Point.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 10—West of a line from Pinta Point to False Point Pybus.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Kake and in Kupreanof Island drainages emptying into Keku Strait south of Point White and north of the Portage Bay boat harbor.
District 12—South of a line from Fishery Point to south Passage Point and north of the latitude of Point Caution.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30′ W. long., including Killisnoo Island.
District 13—Section 13–A south of the latitude of Cape Edward.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–B north of the latitude of Redfish Cape.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–C	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City and Borough of Sitka in drainages which empty into Section 13–B north of the latitude of Dorothy Narrows.
District 13—Section 13–C east of the longitude of Point Elizabeth.	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Angoon and along the western shore of Admiralty Island north of the latitude of Sand Island, south of the latitude of Thayer Creek, and west of 134° 30′ W. long., including Killisnoo Island.
District 14—Section 14–B and 14–C	Salmon, Dolly Varden, trout, smelt and eulachon.	Residents of the City of Hoonah and in Chichagof Island drainages on the eastern shore of Port Frederick from Gartina Creek to Point Sophia.
Bering Sea area	All shellfish	Residents of the Bearing Sea Area.
Alaska Peninsula-Aleutian Islands area	Shrimp, Dungeness, King, and Tanner crab	Residents of the Alaska Peninsula-Aleutian Islands Area.
Kodiak area	Shrimp, Dungeness, and Tanner crab	Residents of the Kodiak Area.
Kodiak Area, except for the Semidi Island, the North Mainland, and the South Mainland Sections.	King crab	Residents of the Kodiak Island Borough except those residents on the Kodiak Coast Guard base.
Prince William Sound area	Shrimp, clams, Dungeness, King, and Tanner crab.	Residents of the Prince William Sound Area.

Area	Species	Determination
Southeastern Alaska-Yakutat Area—Section 1–E south of the latitude of Grant Island light.	Shellfish, except shrimp, King crab, and Tanner crab.	Residents of the Southeast Area.
Section 1–F north of the latitude of the northernmost tip of Mary Island, except waters of Boca de Quadra.	Shellfish, except shrimp, King crab, and Tanner crab.	Residents of the Southeast Area.
Section 3–A and 3–B	Shellfish, except shrimp, King crab, and Tanner crab.	Residents of the Southeast Area.
District 13	Dungeness crab, shrimp, abalone, sea cucumbers, gum boots, cockles, and clams, except geoducks.	Residents of the Southeast Area.

Subpart D—Subsistence Taking of Fish and Wildlife

3. We propose to amend subpart D of 36 CFR part 242 and 50 CFR part 100, by revising §§ __.26 and __.27 to read as follows:

§ __.26 Subsistence taking of fish.

(a) *Applicability.* (1) Regulations in this section apply to the taking of fish or their parts for subsistence uses.

(2) You may take fish for subsistence uses at any time by any method unless you are restricted by the subsistence fishing regulations found in this section. The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not after that, take any additional fish of that species under any other harvest limit specified for a State season.

(b) *Definitions.* The following definitions shall apply to all regulations contained in this section and § ____.27:

Abalone Iron means a flat device which is used for taking abalone and which is more than one inch (24 mm) in width and less than 24 inches (610 mm) in length, with all prying edges rounded and smooth.

ADF&G means the Alaska Department of Fish and Game.

Anchor means a device used to hold a fishing vessel or net in a fixed position relative to the beach; this includes using part of the seine or lead, a ship's anchor, or being secured to another vessel or net that is anchored.

Beach seine means a floating net which is designed to surround fish and is set from and hauled to the beach.

Cast net means a circular net with a mesh size of no more than one and one-half inches and weights attached to the perimeter which, when thrown, surrounds the fish and closes at the bottom when retrieved.

Char means the following species: Arctic char (*Salvelinus alpinis*); lake trout (*Salvelinus namaycush*); brook trout (*Salvelinus fontinalis*), and Dolly Varden (*Salvelinus malma*).

Crab means the following species: red king crab (*Paralithodes camshatica*); blue king crab (*Paralithodes platypus*); brown king crab (*Lithodes aequispina*); *Lithodes couesi;* all species of tanner or snow crab (*Chionoecetes* spp.); and Dungeness crab (*Cancer magister*).

Depth of net means the perpendicular distance between cork line and lead line expressed as either linear units of measure or as a number of meshes, including all of the web of which the net is composed.

Dip net means a bag-shaped net supported on all sides by a rigid frame; the maximum straight-line distance between any two points on the net frame, as measured through the net opening, may not exceed five feet; the depth of the bag must be at least one-half of the greatest straight-line distance, as measured through the net opening; no portion of the bag may be constructed of webbing that exceeds a stretched measurement of 4.5 inches; the frame must be attached to a single rigid handle and be operated by hand.

Diving Gear means any type of hard hat or skin diving equipment, including SCUBA equipment, a tethered, umbilical, surface-supplied, or snorkel.

Drainage means all of the waters comprising a watershed including tributary rivers, streams, sloughs, ponds and lakes which contribute to the water supply of the watershed.

Drift gillnet means a drifting gillnet that has not been intentionally staked, anchored or otherwise fixed.

Fishwheel means a fixed, rotating device, with no more than four baskets on a single axle, for catching fish which is driven by river current or other means.

Freshwater of streams and rivers means the line at which freshwater is separated from saltwater at the mouth of streams and rivers by a line drawn between the seaward extremities of the exposed tideland banks at the present stage of the tide.

Fyke net means a fixed, funneling (fyke) device used to entrap fish.

Gear means any type of fishing apparatus.

Gillnet means a net primarily designed to catch fish by entanglement in a mesh that consists of a single sheet of webbing which hangs between cork line and lead line, and which is fished from the surface of the water.

Grappling hook means a hooked device with flukes or claws, which is attached to a line and operated by hand.

Groundfish or *bottomfish* means any marine fish except halibut, osmerids, herring and salmonids.

Hand purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by pursing the lead line; pursing may only be done by hand power, and a free-running line through one or more rings attached to the lead line is not allowed.

Handline means a hand-held and operated line, with one or more hooks attached.

Harvest limit means the maximum legal take per person or designated group, per specified time period, in the area in which the person is fishing, even if part or all of the fish are preserved. A fish, when landed and killed becomes part of the harvest limit of the person originally hooking it.

Herring pound means an enclosure used primarily to contain live herring over extended periods of time.

Household means a person or persons having the same residence.

Hung measure means the maximum length of the cork line when measured wet or dry with traction applied at one end only.

Hydraulic clam digger means a device using water or a combination of air and water to remove clams from their environment.

Jigging gear means a line or lines with lures or baited hooks, drawn through the water by hand, and which are operated during periods of ice cover from holes cut in the ice, or from shore ice and which are drawn through the water by hand.

Lead means either a length of net employed for guiding fish into a seine, set gillnet, or other length of net, or a

length of fencing employed for guiding fish into a fishwheel, fyke net or dip net.

Legal limit of fishing gear means the maximum aggregate of a single type of fishing gear permitted to be used by one individual or boat, or combination of boats in any particular regulatory area, district or section.

Long line means either a stationary, buoyed, or anchored line, or a floating, free-drifting line with lures or baited hooks attached.

Mechanical clam digger means a mechanical device used or capable of being used for the taking of clams.

Mechanical jigging machine means a mechanical device with line and hooks used to jig for halibut and bottomfish, but does not include hand gurdies or rods with reels.

Mile means a nautical mile when used in reference to marine waters or a statute mile when used in reference to fresh water.

Possession limit means the maximum number of fish a person or designated group may have in possession if the fish have not been canned, salted, frozen, smoked, dried, or otherwise preserved so as to be fit for human consumption after a 15 day period.

Pot means a portable structure designed and constructed to capture and retain live fish and shellfish in the water.

Purse seine means a floating net which is designed to surround fish and which can be closed at the bottom by means of a free-running line through one or more rings attached to the lead line.

Ring net means a bag-shaped net suspended between no more than two frames; the bottom frame may not be larger in perimeter than the top frame; the gear must be nonrigid and collapsible so that free movement of fish or shellfish across the top of the net is not prohibited when the net is employed.

Rockfish means all species of the genus *Sebastes*.

Rod and reel means either a device upon which a line is stored on a fixed or revolving spool and is deployed through guides mounted on a flexible pole, or a line that is attached to a pole.

Salmon means the following species: pink salmon (*Oncorhynchus gorbuscha*); sockeye salmon (*Oncorhynchus nerka*); chinook salmon (*Oncorhynchus tshawytscha*); coho salmon (*Oncorhynchus kisutch*); and chum salmon (*Oncorhynchus keta*).

Salmon stream means any stream used by salmon for spawning or for traveling to a spawning area.

Salmon stream terminus means a line drawn between the seaward extremities of the exposed tideland banks of any salmon stream at mean lower low water.

Scallop dredge means a dredge-like device designed specifically for and capable of taking scallops by being towed along the ocean floor.

Sea urchin rake means a hand-held implement, no longer than four feet, equipped with projecting prongs used to gather sea urchins.

Set gillnet means a gillnet that has been intentionally set, staked, anchored, or otherwise fixed.

Shovel means a hand-operated implement for digging clams or cockles.

Spear means a shaft with a sharp point or fork-like implement attached to one end which is used to thrust through the water to impale or retrieve fish and which is operated by hand.

Stretched measure means the average length of any series of 10 consecutive meshes measured from inside the first knot and including the last knot when wet; the 10 meshes, when being measured, shall be an integral part of the net, as hung, and measured perpendicular to the selvages; measurements shall be made by means of a metal tape measure while the 10 meshes being measured are suspended vertically from a single peg or nail, under five-pound weight.

Subsistence fishing permit means a permit issued by the Alaska Department of Fish and Game, unless specifically identified otherwise.

To operate fishing gear means any of the following: to deploy gear in the water; to remove gear from the water; to remove fish or shellfish from the gear during an open season or period; or to possess a gillnet containing fish during an open fishing period, except that a gillnet which is completely clear of the water is not considered to be operating for the purposes of minimum distance requirement.

Trawl means a bag-shaped net towed through the water to capture fish or shellfish, and includes beam, otter, or pelagic trawl.

Troll gear means a power gurdy troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water by a power gurdy; hand troll gear consisting of a line or lines with lures or baited hooks which are drawn through the water from a vessel by hand trolling, strip fishing or other types of trolling, and which are retrieved by hand power or hand-powered crank and not by any type of electrical, hydraulic, mechanical or other assisting device or attachment; or dinglebar troll gear consisting of one or more lines, retrieved and set with a troll gurdy or hand troll gurdy, with a terminally attached weight from which one or more leaders with one or more lures or baited hooks are pulled through the water while a vessel is making way.

Trout means the following species: cutthroat trout (*Oncorhynchus clarki*) and rainbow trout or steelhead trout (*Oncorhynchus mykiss*).

(c) *Methods, means, and general restrictions.* (1) Unless otherwise specified in this section or under terms of a required subsistence fishing permit, you may use the following legal types of gear for subsistence fishing:

(i) A set gillnet;
(ii) A drift gillnet;
(iii) A purse seine;
(iv) A hand purse seine;
(v) A beach seine;
(vi) Troll gear;
(vii) A fish wheel;
(viii) A trawl;
(ix) A pot;
(x) A ring net;
(xi) A longline;
(xii) A fyke net;
(xiii) A lead;
(xiv) A herring pound;
(xv) A dip net;
(xvi) Jigging gear;
(xvii) A mechanical jigging machine;
(xviii) A handline;
(xix) A shovel;
(xx) A mechanical clam digger;
(xxi) A hydraulic clam digger;
(xxii) An abalone iron;
(xxiii) A scallop dredge;
(xxiv) A grappling hook;
(xxv) A sea urchin rake;
(xxvi) Diving gear;
(xxvii) A cast net;
(xxviii) A handline;
(xxix) A rod and reel; and
(xxx) A spear.

(2) You must include an escape mechanism on all pots used to take fish or shellfish. The escape mechanisms are as follows:

(i) A sidewall, which may include the tunnel, of all shellfish and bottomfish pots must contain an opening equal to or exceeding 18 inches in length, except that in shrimp pots the opening must be a minimum of six inches in length. The opening must be laced, sewn, or secured together by a single length of untreated, 100 percent cotton twine, no larger than 30 thread. The cotton twine may be knotted at each end only. The opening must be within six inches of the bottom of the pot and must be parallel with it. The cotton twine may not be tied or looped around the web bars. Dungeness crab pots may have the pot lid tie-down straps secured to the pot at one end by a single loop of untreated, 100 percent cotton twine no larger than 60 thread, or the pot lid must be secured so that, when the twine degrades, the lid will no longer be securely closed;

(ii) All king crab, Tanner crab, shrimp, miscellaneous shellfish and bottomfish pots may, instead of complying with (i) of this paragraph, satisfy the following: a sidewall, which may include the tunnel, must contain an opening at least 18 inches in length, except that shrimp pots must contain an opening at least six inches in length. The opening must be laced, sewn, or secured together by a single length of treated or untreated twine, no larger than 36 thread. A galvanic timed release device, designed to release in no more than 30 days in salt water, must be integral to the length of twine so that, when the device releases, the twine will no longer secure or obstruct the opening of the pot. The twine may be knotted only at each end and at the attachment points on the galvanic timed release device. The opening must be within six inches of the bottom of the pot and must be parallel with it. The twine may not be tied or looped around the web bars.

(3) For subsistence fishing for salmon, you may not use a gillnet exceeding 50 fathoms in length, unless otherwise specified in this section. The gillnet web must contain at least 30 filaments of equal diameter or at least 6 filaments, each of which must be at least 0.20 millimeter in diameter.

(4) You may not obstruct more than one-half the width of any stream with any gear used to take fish for subsistence uses. You may not obstruct more than one-half the width of any stream with any stationary fishing.

(5) You may not use live non-indigenous fish as bait.

(6) You must have your first initial, last name, and address plainly and legibly inscribed on the side of your fishwheel facing midstream of the river.

(7) You may use kegs or buoys of any color but red on any permitted gear.

(8) You must have your first initial, last name, and address plainly and legibly inscribed on each keg, buoy, stakes attached to gillnets, stakes identifying gear fished under the ice, and any other unattended fishing gear which you use to take fish for subsistence uses.

(9) You may not use explosives or chemicals to take fish for subsistence uses.

(10) You may not take fish for subsistence uses within 300 feet of any dam, fish ladder, weir, culvert or other artificial obstruction, unless otherwise indicated.

(11) The limited exchange for cash of subsistence-harvested fish, their parts, or their eggs, legally taken under Federal subsistence management regulations to support personal and family needs is permitted as customary trade, so long as it does not constitute a significant commercial enterprise. The Board may recognize regional differences and define customary trade differently for separate regions of the State.

(12) Individuals, businesses, or organizations may not purchase subsistence-taken fish, their parts, or their eggs for use in, or resale to, a significant commercial enterprise.

(13) Individuals, businesses, or organizations may not receive through barter subsistence-taken fish, their parts or their eggs for use in, or resale to, a significant commercial enterprise.

(14) Except as provided elsewhere in this section, you may not take rainbow trout or steelhead trout.

(15) You may not use as bait for commercial or sport fishing purposes fish taken for subsistence use or under subsistence regulations.

(16) You may not accumulate harvest limits authorized in this section or § __.27 with harvest limits authorized under State regulations.

(17) Unless specified otherwise in this section, you may use a rod and reel to take fish without a subsistence fishing permit. Harvest limits applicable to the use of a rod and reel to take fish for subsistence uses shall be as follows:

(i) If you are required to obtain a subsistence fishing permit for an area, that permit is required to take fish for subsistence uses with rod and reel in that area. The harvest and possessions limits for taking fish with a rod and reel in those areas are the same as indicated on the permit issued for subsistence fishing with other gear types;

(ii) If you are not required to obtain a subsistence fishing permit for an area, the harvest and possession limits for taking fish for subsistence uses with a rod and reel is the same as for taking fish under State of Alaska subsistence fishing regulations in those same areas. If the State does not have a specific subsistence season for that particular species, the limit shall be the same as for taking fish under State of Alaska sport fishing regulations.

(18) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish for subsistence uses at any time.

(19) You may not intentionally waste or destroy any subsistence-caught fish or shellfish; however, you may use for bait or other purposes, whitefish, herring, and species for which bag limits, seasons, or other regulatory methods and means are not provided in this section, as well as the head, tail, fins, and viscera of legally-taken subsistence fish.

(d) *Fishing by designated harvest permit.* (1) Any species of fish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user, you (beneficiary) may designate another Federally-qualified subsistence user to take fish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest fish and must return a completed harvest report. The designated fisherman may fish for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated fishing permit when taking, attempting to take, or transporting fish taken under this section, on behalf of a beneficiary.

(4) The designated fisherman may not fish with more than one legal limit of gear.

(5) You may not designate more than one person to take or attempt to take fish on your behalf at one time. You may not personally take or attempt to take fish at the same time that a designated fisherman is taking or attempting to take fish on your behalf.

(e) *Fishing permits and reports.* (1) You may take salmon only under the authority of a subsistence fishing permit, unless a permit is specifically not required in a particular area by the subsistence regulations in this part, or unless you are retaining salmon from your commercial catch consistent with paragraph (f) of this section.

(2) If a subsistence fishing permit is required by this section, the following permit conditions apply unless otherwise specified in this section:

(i) You may not take more fish for subsistence use than the limits set out in the permit;

(ii) You must obtain the permit prior to fishing;

(iii) You must have the permit in your possession and readily available for inspection while fishing or transporting subsistence-taken fish;

(iv) If specified on the permit, you shall keep accurate daily records of the catch, showing the number of fish taken by species, location and date of catch, and other such information as may be required for management or conservation purposes; and

(v) If the return of catch information necessary for management and conservation purposes is required by a fishing permit and you fail to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you

demonstrate that failure to report was due to loss in the mail, accident, sickness, or other unavoidable circumstances.

(f) *Relation to commercial fishing activities.* (1) If you are a Federally-qualified subsistence user who also commercial fishes, you may retain fish for subsistence purposes from your lawfully-taken commercial catch.

(2) When participating in a commercial and subsistence fishery at the same time, you may not use an amount of combined fishing gear in excess of that allowed under the appropriate commercial fishing regulations.

(g) You may not possess, transport, give, receive or barter subsistence-taken fish or their parts which have been taken contrary to Federal law or regulation or State law or regulation (unless superseded by regulations in this part).

(h) [Reserved].

(i) *Fishery management area restrictions.* (1) *Kotzebue Area.* The Kotzebue Area includes all waters of Alaska between the latitude of the westernmost tip of Point Hope and the latitude of the westernmost tip of Cape Prince of Wales, including those waters draining into the Chukchi Sea.

(i) You may take fish for subsistence purposes without a permit.

(ii) You may take salmon only by gillnets, beach seines, or a rod and reel.

(iii) In the Kotzebue District, you may take sheefish with gillnets that are not more than 50 fathoms in length, nor more than 12 meshes in depth, nor have a mesh size larger than 7 inches.

(iv) You may not subsistence fish for char from June 1 through September 20, in the Noatak River one mile upstream and one mile downstream from the mouth of the Kelly River, and in the Kelly River from its mouth to ¼ mile upstream.

(2) *Norton Sound-Port Clarence Area.* The Norton Sound-Port Clarence Area includes all waters of Alaska between the latitude of the westernmost tip of Cape Prince of Wales and the latitude of Canal Point light, including those waters of Alaska surrounding St. Lawrence Island and those waters draining into the Bering Sea.

(i) In the Port Clarence District, you may take fish at any time except as specified by emergency regulation.

(ii) In the Norton Sound District, you may take fish at any time except as follows:

(A) In Subdistricts 2 through 6, if you are a commercial fishermen, you may not fish for subsistence purposes during the weekly closures of the commercial salmon fishing season, except that from July 15 through August 1, you may take salmon for subsistence purposes seven days per week in the Unalakleet and Shaktoolik River drainages with gillnets which have a mesh size that does not exceed 4½ inches, and with beach seines;

(B) In the Unalakleet River from June 1 through July 15, you may take salmon only from 8:00 a.m. Monday until 8:00 p.m. Saturday;

(C) In Subdistricts 1–3, you may take salmon other than chum salmon by beach seine during periods established by emergency regulations.

(iii) You may take salmon only by gillnets, beach seines, fishwheel, or a rod and reel.

(iv) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, jigging gear, spear, lead, or a rod and reel.

(v) In the Unalakleet River from June 1 through July 15, you may not operate more than 25 fathoms of gillnet in the aggregate nor may you operate an unanchored fishing net.

(vi) You may take fish for subsistence purposes without a subsistence fishing permit except that a subsistence fishing permit is required in the Norton Sound District: for net fishing in all waters from Cape Douglas to Rocky Point.

(vii) Only one subsistence fishing permit will be issued to each household per year.

(3) *Yukon-Northern Area.* The Yukon-Northern Area includes all waters of Alaska between the latitude of Canal Point Light and the latitude of the westernmost point of the Naskonat Peninsula, including those waters draining into the Bering Sea, and all waters of Alaska north of the latitude of the westernmost tip of Point Hope and west of 141° W. long., including those waters draining into the Arctic Ocean and the Chukchi Sea.

(i) Unless otherwise restricted in this section, you may take salmon in the Yukon-Northern Area at any time.

(ii) In the following locations, you may take salmon only during the open weekly fishing periods of the commercial salmon fishing season and may not take them for 24 hours before the opening of the commercial salmon fishing season:

(A) District 4, excluding the Koyukuk River drainage;

(B) in Subdistricts 4–B and 4–C from June 15 through September 30, salmon may be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday;

(C) District 6, excluding the Kantishna River drainage, salmon may be taken from 6:00 p.m. Friday until 6:00 p.m. Wednesday.

(iii) During any commercial salmon fishing season closure of greater than five days in duration, you may not take salmon during the following periods in the following districts:

(A) In District 4, excluding the Koyukuk River drainage, salmon may not be taken from 6:00 p.m. Friday until 6:00 p.m. Sunday;

(B) In District 5, excluding the Tozitna River drainage and Subdistrict 5–D, salmon may not be taken from 6:00 p.m. Sunday until 6:00 p.m. Tuesday.

(iv) Except as provided in this section, and except as may be provided by the terms of a subsistence fishing permit, you may take fish other than salmon at any time.

(v) In Districts 1, 2, 3, and Subdistrict 4–A, excluding the Koyukuk and Innoko River drainages, you may not take salmon for subsistence purposes during the 24 hours immediately before the opening of the commercial salmon fishing season.

(vi) In Districts 1, 2, and 3:

(A) After the opening of the commercial salmon fishing season through July 15, you may not take salmon for subsistence for 18 hours immediately before, during, and for 12 hours after each commercial salmon fishing period;

(B) After July 15, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each commercial salmon fishing period.

(vii) In Subdistrict 4–A after the opening of the commercial salmon fishing season, you may not take salmon for subsistence for 12 hours immediately before, during, and for 12 hours after each commercial salmon fishing period; however, you may take king salmon during the commercial fishing season, with drift gillnet gear only, from 6:00 p.m. Sunday until 6:00 p.m. Tuesday and from 6:00 p.m. Wednesday until 6:00 p.m. Friday.

(viii) In the upper Yukon River drainage, you may not subsistence fish in Birch Creek and waters within 500 feet of its mouth, except that you may take whitefish and suckers under the authority of a subsistence fishing permit.

(ix) You may not subsistence fish in the following drainages located north of the main Yukon River:

(A) Kanuti River upstream from a point five miles downstream of the state highway crossing;

(B) Bonanza Creek;

(C) Jim River including Prospect and Douglas Creeks; and

(D) North Fork of the Chandalar River system upstream from the mouth of Quartz Creek.

(x) You may not subsistence fish in the Delta River.

(xi) You may not subsistence fish in the following rivers and creeks and within 500 feet of their mouths: Big Salt River, Hess Creek, and Beaver Creek.

(xii) You may not subsistence fish in the Deadman, Jan, Fielding, and Two-Mile Lakes.

(xiii) You may not subsistence fish in the Toklat River drainage from August 15 through May 15.

(xiv) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel, subject to the restrictions set forth in this section.

(xv) In District 4, if you are a commercial fisherman, you may not take salmon for subsistence purposes during the commercial salmon fishing season using gillnets with mesh larger than six-inches after a date specified by ADF&G emergency order issued between July 10 and July 31.

(xvi) In Districts 4, 5, and 6, you may not take salmon for subsistence purposes by drift gillnets, except as follows:

(A) In Subdistrict 4–A upstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14, and chum salmon by drift gillnets after August 2;

(B) In Subdistrict 4–A downstream from the mouth of Stink Creek, you may take king salmon by drift gillnets less than 150 feet in length from June 10 through July 14.

(xvii) Unless otherwise specified in this section, you may take fish other than salmon and halibut by set gillnet, drift gillnet, beach seine, fish wheel, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel, subject to the following restrictions, which also apply to subsistence salmon fishing:

(A) During the open weekly fishing periods of the commercial salmon fishing season, if you are a commercial fisherman, you may not operate more than one type of gear at a time, for commercial, personal use, and subsistence purposes;

(B) You may not use an aggregate length of set gillnet in excess of 150 fathoms and each drift gillnet may not exceed 50 fathoms in length; and

(C) In Districts 4, 5, and 6, you may not set subsistence fishing gear within 200 feet of other operating commercial, personal use, or subsistence fishing gear except that, at the site approximately one mile upstream from Ruby on the south bank of the Yukon River between ADF&G regulatory markers containing the area known locally as the ''Slide,'' you may set subsistence fishing gear within 200 feet of other operating commercial or subsistence fishing gear and in District 4, from Old Paradise Village upstream to a point four miles upstream from Anvik, there is no minimum distance requirement between fish wheels.

(xviii) During the commercial salmon fishing season, within the Yukon River and the Tanana River below the confluence of the Wood River, you may use drift gillnets and fish wheels only during open subsistence salmon fishing periods.

(xix) In District 4, from September 21 through May 15, you may use jigging gear from shore ice.

(xx) Except as provided in this section, you may take fish for subsistence purposes without a subsistence fishing permit.

(xxi) You must possess a subsistence fishing permit for the following locations:

(A) For the Yukon River drainage from the mouth of Hess Creek to the mouth of the Dall River;

(B) For the Yukon River drainage from the upstream mouth of 22 Mile Slough to the U.S.-Canada border;

(C) For whitefish and suckers in Birch Creek and within 500 feet of its mouth;

(D) For the Tanana River drainage above the mouth of the Wood River.

(xxii) Only one subsistence fishing permit will be issued to each household per year.

(xxiii) In Districts 1, 2, and 3, you may not possess king salmon taken for subsistence purposes unless the dorsal fin has been removed immediately after landing.

(xxiv) If you are a commercial salmon fisherman who is registered for District 1, 2, or 3, you may not take salmon for subsistence purposes in any other district located downstream from Old Paradise Village.

(4) *Kuskokwim Area.* The Kuskokwim Area consists of all waters of Alaska between the latitude of the westernmost point of Naskonat Peninsula and the latitude of the southernmost tip of Cape Newenham, including the waters of Alaska surrounding Nunivak and St. Matthew Islands and those waters draining into the Bering Sea.

(i) Unless otherwise restricted in this section, you may take fish in the Kuskokwim Area at any time without a subsistence fishing permit.

(ii) In District 1 and in those waters of the Kuskokwim River between Districts 1 and 2, excluding the Kuskokuak Slough, you may not take salmon for 16 hours before, during, and for six hours after, each open commercial salmon fishing period for District 1.

(iii) In District 1, Kuskokuak Slough only from June 1 through July 31, you may not take salmon for 16 hours before and during each open commercial salmon fishing period in the district.

(iv) In Districts 4 and 5, from June 1 through September 8, you may not take salmon for 16 hours before, during, and 6 hours after each open commercial salmon fishing period in each district.

(v) In District 2, and anywhere in tributaries that flow into the Kuskokwim River within that district, from June 1 through September 8 you may not take salmon for 16 hours before, during, and six hours after each open commercial salmon fishing period in the district.

(vi) You may not take subsistence fish by nets in the Goodnews River east of a line between ADF&G regulatory markers placed near the mouth of the Ufigag River and an ADF&G regulatory marker placed near the mouth of the Tunulik River 16 hours before, during, and six hours after each open commercial salmon fishing period.

(vii) You may not take subsistence fish by nets in the Kanektok River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(viii) You may not take subsistence fish by nets in the Arolik River upstream of ADF&G regulatory markers placed near the mouth 16 hours before, during, and six hours after each open commercial salmon fishing period.

(ix) You may take salmon only by gillnet, beach seine, fish wheel, or rod and reel subject to the restrictions set out in this section, except that you may also take salmon by spear in the Holitna, Kanektok, and Arolik River drainages, and in the drainage of Goodnews Bay.

(x) You may not use an aggregate length of set gillnets or drift gillnets in excess of 50 fathoms for taking salmon.

(xi) You may take fish other than salmon by set gillnet, drift gillnet, beach seine, fish wheel, pot, long line, fyke net, dip net, jigging gear, spear, lead, or rod and reel.

(xii) You must attach to the bank each subsistence gillnet operated in tributaries of the Kuskokwim River and fish it substantially perpendicular to the bank and in a substantially straight line.

(xiii) Within a tributary to the Kuskokwim River in that portion of the Kuskokwim River drainage from the north end of Eek Island upstream to the mouth of the Kolmakoff River, you may not set or operate any part of a set gillnet within 150 feet of any part of another set gillnet.

(xiv) The maximum depth of gillnets is as follows:

(A) Gillnets with six-inch or smaller mesh may not be more than 45 meshes in depth;

(B) Gillnets with greater than six-inch mesh may not be more than 35 meshes in depth.

(xv) You may take halibut only by a single hand-held line with no more than two hooks attached to it.

(xvi) You may not use subsistence set and drift gillnets exceeding 15 fathoms in length in Whitefish Lake in the Ophir Creek drainage. You may not operate more than one subsistence set or drift gillnet at a time in Whitefish Lake in the Ophir Creek drainage. You must check the net at least once every 24 hours.

(xvii) Rainbow trout may be taken by residents of Goodnews Bay, Platinum, Quinhagak, Eek, Kwethluk, Akiachak, and Akiak, subject to the following restrictions:

(A) You may take rainbow trout only by the use of gillnets, rod and reel, or jigging through the ice;

(B) You may not use gillnets for taking rainbow trout from March 15—June 15;

(C) If you take rainbow trout incidentally in other subsistence net fisheries and through the ice, you may retain them for subsistence purposes.

(5) *Bristol Bay Area.* The Bristol Bay Area includes all waters of Bristol Bay including drainages enclosed by a line from Cape Newenham to Cape Menshikof.

(i) Unless restricted in this section, or unless under the terms of a subsistence fishing permit, you may take fish at any time in the Bristol Bay area.

(ii) In all commercial salmon districts, from May 1 through May 31 and October 1 through October 31, you may subsistence fish for salmon only from 9:00 a.m. Monday until 9:00 a.m. Friday. From June 1 through September 30, within the waters of a commercial salmon district, you may take salmon only during open commercial salmon fishing periods.

(iii) In the Egegik River from 9:00 a.m. June 23 through 9:00 a.m. July 17, you may take salmon only from 9:00 a.m. Tuesday to 9:00 a.m. Wednesday and 9:00 a.m. Saturday to 9:00 a.m. Sunday.

(iv) You may not take fish from waters within 300 feet of a stream mouth used by salmon.

(v) You may not subsistence fish with nets in the Tazimina River and within one-fourth mile of the terminus of those waters during the period from September 1 through June 14.

(vi) Within any district, you may take salmon, herring, and capelin only by drift and set gillnets.

(vii) Outside the boundaries of any district, you may take salmon only by set gillnet, except that you may also take salmon as follows:

(A) By spear in the Togiak River excluding its tributaries;

(B) From August 30 through September 30, by spear, dip net, and gillnet along a 100 yard length of the west shore of Naknek Lake near the outlet to the Naknek River as marked by ADF&G regulatory markers;

(C) From August 15 through September 15, by spear, dip net, and gillnet at Johnny's Lake on the northwestern side of Naknek Lake;

(D) From October 1 through November 15, by spear, dip net, and gillnet at the mouth of Brooks River at Naknek Lake;

(E) At locations and times specified in paragraphs (i)(5)(vii) (B) through (D) of this section, gillnets may not exceed five fathoms in length and may not be anchored or tied to a stake or peg, and you must be present at the net while fishing the net.

(viii) The maximum lengths for set gillnets used to take salmon are as follows:

(A) You may not use set gillnets exceeding 10 fathoms in length in the Egegik, River;

(B) In the remaining waters of the area, you may not use set gillnets exceeding 25 fathoms in length.

(ix) You may not operate any part of a set gillnet within 300 feet of any part of another set gillnet.

(x) You must stake and buoy each set gillnet. Instead of having the identifying information on a keg or buoy attached to the gillnet, you may plainly and legibly inscribe your first initial, last name, and subsistence permit number on a sign at or near the set gillnet.

(xi) You may not operate or assist in operating subsistence salmon net gear while simultaneously operating or assisting in operating commercial salmon net gear.

(xii) During closed commercial herring fishing periods, you may not use gillnets exceeding 25 fathoms in length for the subsistence taking of herring or capelin.

(xiii) You may take fish other than salmon, herring, capelin, and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(xiv) You may take salmon and char only under authority of a subsistence fishing permit.

(xv) Only one subsistence fishing permit may be issued to each household per year.

(xvi) After August 20, you may not possess coho salmon for subsistence purposes in the Togiak River section and the Togiak River drainage unless the head has been immediately removed from the salmon.

(6) *Aleutian Islands Area.* The Aleutian Islands Area includes all waters of Alaska west of the longitude of the tip of Cape Sarichef, east of 172° East longitude, and south of 54° 36′ North latitude.

(i) You may take fish, other than salmon, rainbow trout, and steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) In the Unalaska District, you may take salmon for subsistence purposes from 6:00 a.m. until 9:00 p.m. from January 1 through December 31, except:

(A) That from June 1 through September 15, you may not use a salmon seine vessel to take salmon for subsistence 24 hours before, during, or 24 hours after an open commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing;

(B) That from June 1 through September 15, you may use a purse seine vessel to take salmon only with a gillnet and you may not have any other type of salmon gear on board the vessel while subsistence fishing; or

(C) As may be specified on a subsistence fishing permit.

(iii) In the Adak, Akutan, Atka-Amilia, and Umnak Districts, you may take salmon at any time.

(iv) You may not subsistence fish for salmon in the following waters:

(A) The waters between Unalaska and Amaknak Islands, including Margaret's Bay, west of a line from the ''Bishop's House'' at 53° 52.64′ N. lat., 166° 32.30′ W. long. to a point on Amaknak Island at 53° 52.82′ N. lat., 166° 32.13′ W. long., and north of line from a point south of Agnes Beach at 53° 52.28′ N. lat., 166° 32.68′ W. long. to a point at 53° 52.35′ N. lat., 166° 32.95′ W. long. on Amaknak Island;

(B) Within Unalaska Bay south of a line from the northern tip of Cape Cheerful to the northern tip of Kalekta Point, waters within 250 yards of any anadromous stream, except the outlet stream of Unalaska Lake, which is closed under paragraph (i)(6)(iv)(A) of this section;

(C) Waters in Reese Bay from July 1 through July 9, within 500 yards of the outlet stream terminus to McLees Lake;

(D) All freshwater on Adak Island and Kagalaska Island in the Adak District.

(v) You may take salmon by seine and gillnet, or with gear specified on a subsistence fishing permit.

(vi) In the Unalaska District, if you fish with a net, you must be physically present at the net at all times when the net is being used.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon, trout and char only under the terms of a subsistence fishing permit, except that you do not require a permit in the Akutan, Umnak and Atka-Amlia Islands Districts.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit, except that in the Unalaska and Adak Districts, you may take no more than 25 salmon plus an additional 25 salmon for each member of the your household listed on the permit. You may obtain an additional permit.

(x) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(7) *Alaska Peninsula Area.* The Alaska Peninsula Area includes all Pacific Ocean waters of Alaska between a line extending southeast (135°) from the tip of Kupreanof Point and the longitude of the tip of Cape Sarichef, and all Bering Sea waters of Alaska east of the latitude of the tip of Cape Menshikof.

(i) You may take fish, other than salmon, rainbow trout, and steelhead trout, at any time unless restricted under the terms of a subsistence fishing permit. If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may take salmon, trout and char only under the authority of a subsistence fishing permit.

(iii) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(iv) You may take salmon at any time except within 24 hours before and within 12 hours following each open weekly commercial salmon fishing period within a 50-mile radius of the area open to commercial salmon fishing, or as may be specified on a subsistence fishing permit.

(v) You may not subsistence fish for salmon in the following waters:

(A) Russell Creek and Nurse Lagoon and within 500 yards outside the mouth of Nurse Lagoon;

(B) Trout Creek and within 500 yards outside its mouth.

(vi) You may take salmon by seine, gillnet, rod and reel, or with gear specified on a subsistence fishing permit.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may not use a set gillnet exceeding 100 fathoms in length.

(ix) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(x) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on your subsistence fishing permit.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(8) *Chignik Area.* The Chignik Area includes all waters of Alaska on the south side of the Alaska Peninsula enclosed by 156° 20.22′ West longitude (the longitude of the southern entrance to Imuya Bay near Kilokak Rocks) and a line extending southeast (135°) from the tip of Kupreanof Point.

(i) You may take fish, other than rainbow trout and steelhead trout, at any time, except as may be specified by a subsistence fishing permit. If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may not take salmon in the Chignik River, upstream from the ADF&G weir site or counting tower, in Black Lake, or any tributary to Black and Chignik Lakes.

(iii) You may take salmon, trout and char only under the authority of a subsistence fishing permit.

(iv) You must keep a record on the reverse side of the permit of subsistence-caught fish. You must complete the record immediately upon taking subsistence-caught fish and must return it no later than October 31.

(v) If you hold a commercial fishing license, you may not subsistence fish for salmon from 48 hours before the first commercial salmon fishing opening in the Chignik Area through September 30.

(vi) You may take salmon by seines, gillnets, rod and reel, or with gear specified on a subsistence fishing permit, except that in Chignik Lake you may not use purse seines.

(vii) You may take fish other than salmon by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take halibut for subsistence purposes only by a single handheld line with no more than two hooks attached.

(ix) You may take no more than 250 salmon for subsistence purposes unless otherwise specified on the subsistence fishing permit.

(x) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(9) *Kodiak Area.* The Kodiak Area includes all waters of Alaska south of a line extending east from Cape Douglas (58° 51.10′ N. lat.), west of 150° W. long., north of 55° 30.00′ N. lat.; and east of the longitude of the southern entrance of Imuya Bay near Kilokak Rocks (156° 20.22′ W. long.).

(i) You may take fish, other than salmon, rainbow trout and steelhead trout, at any time unless restricted by the terms of a subsistence fishing permit. If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(ii) You may take salmon for subsistence purposes 24 hours a day from January 1 through December 31, with the following exceptions:

(A) From June 1 through September 15, you may not use salmon seine vessels to take subsistence salmon for 24 hours before, during, and for 24 hours after any open commercial salmon fishing period;

(B) From June 1 through September 15, you may use purse seine vessels to take salmon only with gillnets and you may have no other type of salmon gear on board the vessel.

(iii) You may not subsistence fish for salmon in the following locations:

(A) All waters closed to commercial salmon fishing in the Chiniak Bay and all waters closed to commercial salmon fishing within 100 yards of the terminus of Selief Bay Creek and north and west of a line from the tip of Last Point to the tip of River Mouth Point in Afognak Bay;

(B) From August 15 through September 30, all waters 500 yards seaward of the terminus of Little Kitoi Creek;

(C) All freshwater systems of Afognak Island.

(iv) You must have a subsistence fishing permit for taking salmon, trout,

and char for subsistence purposes. You must have a subsistence fishing permit for taking herring and bottomfish for subsistence purposes during the commercial herring sac roe season from April 15 through June 30.

(v) With a subsistence salmon fishing permit you may take 25 salmon plus an additional 25 salmon for each member of your household whose names are listed on the permit. You may obtain an additional permit if you can show that more fish are needed.

(vi) You must keep a record of the number of subsistence fish taken each year. You must record on the reverse side of the permit the number of subsistence fish taken. You must complete the record immediately upon landing subsistence-caught fish, and must return it by February 1 of the year following the year the permit was issued.

(vii) You may take fish other than salmon and halibut by gear listed in this part unless restricted under the terms of a subsistence fishing permit.

(viii) You may take salmon only by gillnet, rod and reel, or seine.

(ix) You must be physically present at the net when the net is being fished.

(x) You may take halibut only by a single hand-held line with not more than two hooks attached to it.

(xi) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(10) *Cook Inlet Area.* The Cook Inlet Area includes all waters of Alaska enclosed by a line extending east from Cape Douglas (58° 51′ 06″ N. lat.) and a line extending south from Cape Fairfield (148° 50′ 15″ W. long.).

(i) Unless restricted in this section, or unless restricted under the terms of a subsistence fishing permit, you may take fish, other than rainbow trout and steelhead trout, at any time in the Cook Inlet Area. If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries or through the ice, you may retain them for subsistence purposes.

(ii) You may not take salmon, Dolly Varden, trout, grayling, char, and burbot for subsistence purposes.

(iii) You may only take smelt with dip nets or gillnets in fresh water from April 1 through June 15. You may not use a gillnet exceeding 20 feet in length and two inches in mesh size. You must attend the net at all times when it is being used. There are no harvest or possession limits for smelt.

(iv) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(11) *Prince William Sound Area.* The Prince William Sound Area includes all waters of Alaska between the longitude of Cape Fairfield and the longitude of Cape Suckling.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish, other than rainbow trout and steelhead trout, at any time in the Prince William Sound Area.

(ii) You may take salmon in the Upper Copper River District only as follows:

(A) In the Glennallen Subdistrict, from June 1 through September 30;

(B) You may not take salmon in the Chitina Subdistrict.

(iii) You may take salmon, other than chinook salmon, in the vicinity of the former Native village of Batzulnetas only under the authority of a Batzulnetas subsistence salmon fishing permit issued by ADF&G and under the following conditions:

(A) You may take salmon only in those waters of the Copper River between ADF&G regulatory markers located near the mouth of Tanada Creek and approximately one-half mile downstream from that mouth and in Tanada Creek between ADF&G regulatory markers identifying the open waters of the creek;

(B) You may use only fish wheels and dip nets on the Copper River and only dip nets and spears in Tanada Creek;

(C) You may take salmon only from June 1 through September 1 or until the season is closed by emergency regulation; fishing periods are to be established by emergency regulation and are two days per week during the month of June and 3.5 days per week for the remainder of the season;

(D) You must release chinook salmon to the water unharmed; you must equip your fish wheel with a livebox or monitor it at all times;

(E) You must return the permit no later than September 30.

(iv) You may take salmon for subsistence purposes with no bag or possession limits in those waters of the Southwestern District and along the northwestern shore of Green Island from the westernmost tip of the island to the northernmost tip, only as follows:

(A) You may use seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of four inches, or gillnets up to 150 fathoms in length, except that you may take pink salmon only in fresh water using dip nets;

(B) You may take salmon only from May 15 until two days before the commercial opening of the Southwestern District, seven days per week; during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until September 30, seven days per week;

(C) You may not fish within the closed waters areas for commercial salmon fisheries.

(v) You may take salmon for subsistence purposes with no bag or possession limits in those waters north of a line from Porcupine Point to Granite Point, and south of a line from Point Lowe to Tongue Point, only as follows:

(A) You may use seines up to 50 fathoms in length and 100 meshes deep with a maximum mesh size of four inches, or gillnets up to 150 fathoms in length with a maximum mesh size of six and one-quarter inches, except that you may only take pink salmon in fresh water using dip nets;

(B) You may take salmon only from May 15 until two days before the commercial opening of the Eastern District, seven days per week during the commercial salmon fishing season, only during open commercial salmon fishing periods; and from two days following the closure of the commercial salmon season until October 31, seven days per week;

(C) You may not fish within the closed waters areas for commercial salmon fisheries.

(vi) If you take rainbow trout and steelhead trout incidentally in other subsistence net fisheries, you may retain them for subsistence purposes.

(vii) You may take herring spawn on kelp for subsistence purposes from above water from March 15 through June 15 and underwater using dive gear only during open periods for the wild herring spawn-on-kelp commercial fishery.

(viii) You may not take salmon in the tributaries of the Copper River and waters of the Copper River not in the Upper Copper River District.

(ix) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(x) You may take salmon only by the following types of gear:

(A) In the Glennallen Subdistrict by fish wheels, rod and reel, or dip nets; and

(B) In salt water by gillnets and seines.

(xi) You may not rent, lease, or otherwise use your fish wheel used for subsistence fishing for personal gain. You must register your fish wheel with ADF&G. Your registration number and

name and address must be permanently affixed and plainly visible on the fish wheel when the fish wheel is in the water; only the current year's registration number may be affixed to the fish wheel; you must remove any other registration number from the fish wheel. You must remove the fish wheel from the water at the end of the permit period. You may operate only one fish wheel at any one time. You may not set or operate a fish wheel within 75 feet of another fish wheel. No fish wheel may have more than two baskets. A wood or metal plate at least 12 inches high by 12 inches wide, bearing your name and address in letters and numerals at least one inch high, must be attached to each fish wheel so that the name and address are plainly visible.

(xii) You must personally operate the fish wheel or dip net. You may not loan or transfer a subsistence fish wheel or dip net permit except as permitted.

(xiii) You may take halibut only by a single hand-held line with not more than two hooks attached to it.

(xiv) You may take herring spawn on kelp only by a hand-held unpowered blade-cutting device. You must cut kelp plant blades at least four inches above the stipe (stem). The provisions of this paragraph do not apply to Fucus species.

(xv) Except as provided in this section, you may take fish other than salmon and freshwater fish species for subsistence purposes without a subsistence fishing permit.

(xvi) You may take salmon and freshwater fish species only under authority of a subsistence fishing permit.

(xvii) Only one subsistence fishing permit will be issued to each household per year.

(xviii) The following apply to Upper Copper River District subsistence salmon fishing permits:

(A) Only one type of gear may be specified on a permit;

(B) Only one permit per year may be issued to a household;

(C) You must return your permit no later than October 31, or you may be denied a permit for the following year;

(D) If your household has a Chitina Subdistrict personal use salmon fishing permit, you will not be issued a Copper River subsistence salmon fishing permit;

(E) A fish wheel may be operated only by one permit holder at one time; that permit holder must have the fish wheel marked as required by this section and during fishing operations;

(F) Only the permit holder and the authorized member of the household listed on the subsistence permit may take salmon;

(G) A permit holder must record on ADF&G forms all salmon taken immediately after landing the salmon.

(xix) The total annual possession limit for an Upper Copper River District subsistence salmon fishing permit is as follows:

(A) For a household with one person, 30 salmon, of which no more than 5 may be chinook salmon if taken by dip net;

(B) For a household with two persons, 60 salmon, of which no more than five may be chinook salmon if taken by dip net; plus 10 salmon for each additional person in a household over 2, except that the household's limit for chinook salmon taken by dip net does not increase;

(C) upon request, permits for additional salmon will be issued for no more than a total of 200 salmon for a permit issued to a household with one person, of which no more than 5 may be chinook salmon if taken by dip net; or no more than a total of 500 salmon for a permit issued to a household with 2 or more persons, of which no more than 5 may be chinook salmon if taken by dip net.

(xx) A subsistence fishing permit may be issued to a village council, or other similarly qualified organization whose members operate fish wheels for subsistence purposes in the Upper Copper River District, to operate fish wheels on behalf of members of its village or organization. A permit may only be issued following approval by ADF&G of a harvest assessment plan to be administered by the permitted council or organization. The harvest assessment plan must include: provisions for recording daily catches for each fish wheel; sample data collection forms; location and number of fish wheels; the full legal name of the individual responsible for the lawful operation of each fish wheel; and other information determined to be necessary for effective resource management. The following additional provisions apply to subsistence fishing permits issued under this paragraph (i)(11)(xx):

(A) The permit will list all households and household members for whom the fish wheel is being operated;

(B) The allowable harvest may not exceed the combined seasonal limits for the households listed on the permit; the permittee will notify the department when households are added to the list, and the seasonal limit may be adjusted accordingly;

(C) Members of households listed on a permit issued to a village council or other similarly qualified organization, are not eligible for a separate household subsistence fishing permit for the Upper Copper River District.

(xxi) You may not possess salmon taken under the authority of an Upper Copper River District subsistence fishing permit unless both lobes of the caudal (tail) fin have been immediately removed from the salmon.

(xxii) In locations open to commercial salmon fishing other than described for the Upper Copper River District, the annual subsistence salmon limit is as follows:

(A) 15 salmon for a household of one person;

(B) 30 salmon for a household of two persons and 10 salmon for each additional person in a household;

(C) No more than five king salmon may be taken per permit.

(xxiii) The daily harvest limit for halibut is two fish and the possession limit is two daily harvest limits. You may not possess sport-taken and subsistence-taken halibut on the same day.

(12) *Yakutat Area.* The Yakutat Area includes all waters of Alaska between the longitude of Cape Suckling and the longitude of Cape Fairweather.

(i) Unless restricted in this section or unless restricted under the terms of a subsistence fishing permit, you may take fish at any time in the Yakutat Area.

(ii) You may not take salmon during the period commencing 48 hours before an opening until 48 hours after the closure of an open commercial salmon net fishing season. This applies to each river or bay fishery individually.

(iii) When the length of the weekly commercial salmon net fishing period exceeds two days in any Yakutat Area salmon net fishery, the subsistence fishing period is from 6:00 a.m. to 6:00 p.m. on Saturday in that location.

(iv) You may take salmon, steelhead trout in the Situk and Ahrnklin Rivers, other trout and char only under authority of a subsistence fishing permit.

(v) If you take salmon, trout, or char incidentally by gear operated under the terms of a subsistence permit for salmon, you may retain them for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vi) You may take fish by gear listed in this part unless restricted in this section or under the terms of a subsistence fishing permit.

(vii) In the Situk River, each subsistence salmon fishing permit holder shall attend his or her gill net at all times when it is being used to take salmon.

(viii) You may block up to two-thirds of a stream with a gillnet or seine used for subsistence fishing.

(ix) You must remove the dorsal fin from subsistence-caught salmon when taken.

(x) You may not possess subsistence-taken and sport-taken salmon on the same day.

(13) *Southeastern Alaska Area.* The Southeastern Alaska Area includes all waters between a line projecting southwest from the westernmost tip of Cape Fairweather and Dixon Entrance.

(i) Unless restricted in this section or under the terms of a subsistence fishing permit, you may take fish, other than rainbow trout and steelhead trout, in the Southeastern Alaska Area at any time.

(ii) You may take herring at any time, except that in the 72 hours before and 72 hours after an open commercial herring fishing period in the Southeastern Alaska Area, a vessel that, or crew member or permit holder who, participates in that commercial herring fishery opening may not take or possess herring in any district in the Southeastern Alaska Area.

(iii) From July 7 through July 31, you may take sockeye salmon in the waters of the Klawock River, and Klawock Lake only from 8:00 a.m. Monday until 5:00 p.m. Friday.

(iv) You must possess a subsistence fishing permit to take salmon, trout, or char.

(v) Permits will not be issued for the taking of chinook or coho salmon, but if you take chinook or coho salmon incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any chinook or coho salmon taken in this manner on your permit calendar.

(vi) If you take salmon, trout, or char incidentally with gear operated under terms of a subsistence permit for other salmon, they may be kept for subsistence purposes. You must report any salmon, trout, or char taken in this manner on your permit calendar.

(vii) No permits for the use of nets will be issued for the salmon streams flowing across or adjacent to the road systems of Petersburg, Wrangell, and Sitka

(viii) You shall immediately remove the pelvic fins of all salmon when taken.

(ix) You may not possess subsistence-taken and sport-taken salmon on the same day.

§ __.27 Subsistence taking of shellfish.

(a) Regulations in this section apply to subsistence taking of Dungeness crab, king crab, Tanner crab, shrimp, clams, abalone, and other shellfish or their parts.

(b) You may take shellfish for subsistence uses at any time in any area of the public lands by any method unless restricted by the subsistence fishing regulations of § __.26 or this section.

(c) Methods, means, and general restrictions. (1) The harvest limit specified in this section for a subsistence season for a species and the State harvest limit set for a State season for the same species are not cumulative. This means that if you have taken the harvest limit for a particular species under a subsistence season specified in this section, you may not after that, take any additional shellfish of that species under any other harvest limit specified for a State season.

(2) Unless otherwise provided in this section, you may use gear as specified in the definitions of § .26 for subsistence taking of shellfish.

(3) You are prohibited from buying or selling subsistence-taken shellfish, their parts, or their eggs, unless otherwise specified.

(4) You may not use explosives and chemicals, except that you may use chemical baits or lures to attract shellfish.

(5) Marking requirements for subsistence shellfish gear are as follows:

(i) You shall plainly and legibly inscribe your first initial, last name, and address on a keg or buoy attached to unattended subsistence fishing gear, except when fishing through the ice, you may substitute for the keg or buoy, a stake inscribed with your first initial, last name, and address inserted in the ice near the hole; subsistence fishing gear may not display a permanent ADF&G vessel license number;

(ii) kegs or buoys attached to subsistence crab pots also must be inscribed with the name or United States Coast Guard number of the vessel used to operate the pots.

(6) Pots used for subsistence fishing must comply with the escape mechanism requirements found in § __.26.

(7) You may not mutilate or otherwise disfigure a crab in any manner which would prevent determination of the minimum size restrictions until the crab has been processed or prepared for consumption.

(d) Taking shellfish by designated harvest permit. (1) Any species of shellfish that may be taken by subsistence fishing under this part may be taken under a designated harvest permit.

(2) If you are a Federally-qualified subsistence user (beneficiary), you may designate another Federally-qualified subsistence user to take shellfish on your behalf. The designated fisherman must obtain a designated harvest permit prior to attempting to harvest shellfish and must return a completed harvest report. The designated fisherman may harvest for any number of beneficiaries but may have no more than two harvest limits in his/her possession at any one time.

(3) The designated fisherman must have in possession a valid designated harvest permit when taking, attempting to take, or transporting shellfish taken under this section, on behalf of a beneficiary.

(4) a person may not fish with more than one legal limit of gear as established by this section.

(5) You may not designate more than one person to take or attempt to take shellfish on your behalf at one time. You may not personally take or attempt to take shellfish at the same time that a designated fisherman is taking or attempting to take shellfish on your behalf.

(e) If a subsistence shellfishing permit is required by this section, the following conditions apply unless otherwise specified by the subsistence shellfishing regulations this section:

(1) You may not take shellfish for subsistence in excess of the limits set out in the permit;

(2) You must obtain a permit prior to subsistence fishing;

(3) You must have the permit in your possession and readily available for inspection while taking or transporting the species for which the permit is issued;

(4) The permit may designate the species and numbers of shellfish to be harvested, time and area of fishing, the type and amount of fishing gear and other conditions necessary for management or conservation purposes;

(5) If specified on the permit, you shall keep accurate daily records of the catch involved, showing the number of shellfish taken by species, location and date of the catch and such other information as may be required for management or conservation purposes;

(6) Subsistence fishing reports must be completed and submitted at a time specified for each particular area and fishery;

(7) If the return of catch information necessary for management and conservation purposes is required by a subsistence fishing permit and you fails to comply with such reporting requirements, you are ineligible to receive a subsistence permit for that activity during the following calendar year, unless you demonstrate that failure to report was due to loss in the

mail, accident, sickness or other unavoidable circumstances.

(f) Subsistence take by commercial vessels. No fishing vessel which is commercially licensed and registered for shrimp pot, shrimp trawl, king crab, Tanner crab, or Dungeness crab fishing may be used for subsistence take during the period starting 14 days before an opening until 14 days after the closure of a respective open season in the area or areas for which the vessel is registered. However, if you are a commercial fisherman, you may retain shellfish for your own use from your lawfully taken commercial catch.

(g) You may not take or possess shellfish smaller than the minimum legal size limits.

(h) Unlawful possession of subsistence shellfish. You may not possess, transport, give, receive or barter shellfish or their parts taken in violation of Federal or State regulations.

(i)(1) An owner, operator, or employee of a lodge, charter vessel, or other enterprise that furnishes food, lodging, or guide services may not furnish to a client or guest of that enterprise, shellfish that has been taken under this chapter, unless:

(i) The shellfish has been taken with gear deployed and retrieved by the client or guest;

(ii) The gear has been marked with the client's or guest's name and address; and

(iii) The shellfish is to be consumed by the client or guest or is consumed in the presence of the client or guest.

(2) The captain and crew members of a charter vessel may not deploy, set, or retrieve their own gear in a subsistence shellfish fishery when that vessel is being chartered.

(j) Subsistence shellfish areas and pertinent restrictions. (1) *Southeastern Alaska-Yakutat Area.* No marine waters under jurisdiction for Federal subsistence management.

(2) *Prince William Sound Area.* No marine waters under jurisdiction for Federal subsistence management.

(3) *Cook Inlet Area.* You may not take shellfish for subsistence purposes.

(4) *Kodiak Area.* (i) You may take crab for subsistence purposes only under the authority of a subsistence crab fishing permit issued by the ADF&G.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G before subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection. The permit shall specify the area and the date the vessel operator intends to fish. No more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) The daily harvest and possession limit is 12 male Dungeness crab per person; only male Dungeness crab with a shell width of six and one-half inches or greater may be taken or possessed. Taking of Dungeness crab is prohibited in water 25 fathoms or more in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location.

(iv) In the subsistence taking of king crab:

(A) The annual limit is six crabs per household; only male king crab may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may not use more than five crab pots, each being no more than 75 cubic feet in capacity to take king crab;

(D) You may take king crab only from June 1–January 31, except that the subsistence taking of king crab is prohibited in waters 25 fathoms or greater in depth during the period 14 days before and 14 days after open commercial fishing seasons for red king crab, blue king crab, or Tanner crab in the location;

(E) The waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line ½ mile on either side of the mouth of the Karluk River, and extending seaward 3,000 feet, and all waters within 1,500 feet seaward of the shoreline of Afognak Island are closed to the harvest of king crab except by Federally-qualified subsistence users.

(v) In the subsistence taking of Tanner crab:

(A) You may not use more than five crab pots to take Tanner crab;

(B) You may not take Tanner crab in waters 25 fathoms or greater in depth during the 14 days immediately before the opening of a commercial king or Tanner crab fishing season in the location;

(C) The daily harvest and possession limit is 12 male crab with a shell width five and one-half inches or greater per person.

(5) *Alaska Peninsula-Aleutian Islands Area.* (i) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section, or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(ii) The daily harvest and possession limit is 12 male Dungeness crab per person; only crabs with a shell width of five and one-half inches or greater may be taken or possessed.

(iii) In the subsistence taking of king crab:

(A) The daily harvest and possession limit is six male crab per person; only crabs with a shell width of six and one-half inches or greater may be taken or possessed;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) You may take crabs only from June 1–January 31.

(iv) The daily harvest and possession limit is 12 male Tanner crab per person; only crabs with a shell width of five and one-half inches or greater may be taken or possessed.

(6) *Bering Sea Area.* (i) In that portion of the area north of the latitude of Cape Newenham, shellfish may only be taken by shovel, jigging gear, pots and ring net.

(ii) The operator of a commercially licensed and registered shrimp fishing vessel must obtain a subsistence fishing permit from the ADF&G prior to subsistence shrimp fishing during a closed commercial shrimp fishing season or within a closed commercial shrimp fishing district, section or subsection; the permit shall specify the area and the date the vessel operator intends to fish; no more than 500 pounds (227 kg) of shrimp may be in possession aboard the vessel.

(iii) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Dungeness crab per person.

(iv) In the subsistence taking of king crab:

(A) In waters south of 60° N. lat., the daily harvest and possession limit is six male crab per person;

(B) All crab pots used for subsistence fishing and left in saltwater unattended longer than a two-week period shall have all bait and bait containers removed and all doors secured fully open;

(C) In waters south of 60° N. lat., you may take crab only from June 1–January 31;

(D) In the Norton Sound Section of the Northern District, you must have a subsistence permit.

(v) In waters south of 60° N. lat., the daily harvest and possession limit is 12 male Tanner crab.

Dated: December 16, 1999.

James A. Caplan,

Acting Regional Forester, USDA-Forest Service.

Dated: December 15, 1999.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 00–1719 Filed 2–1–00; 8:45 am]

BILLING CODE 3410–11–P, 4310–55–P

Federal Register

Wednesday,
February 2, 2000

Part VI

The President

Proclamation 7270—National African American History Month, 2000

Federal Register
Vol. 65, No. 22
Wednesday, February 2, 2000

Presidential Documents

Title 3—

The President

Proclamation 7270 of January 31, 2000

National African American History Month, 2000

By the President of the United States of America

A Proclamation

Each year during National African American History Month, as we explore the history and culture of African Americans, we discover anew a treasure of stories about the triumph of the human spirit, inspiring accounts of everyday people rising above the indignities imposed by prejudice. These stories are not only an important part of African American history, but an essential part of American history.

We are awakened to such stories through the power, beauty, and unflinching witness of poets and writers like Maya Angelou, Gwendolyn Brooks, Paul Laurence Dunbar, Langston Hughes, James Weldon Johnson, Toni Morrison, and Alice Walker. We find them in the lives and voices of Frederick Douglass, Sojourner Truth, Booker T. Washington, and others who, rising above slavery, brutality, and bigotry, became great American champions of liberty, equality, and dignity. We see them written in the achievements of civil rights leaders like Daisy Bates, James Farmer, John Lewis, Martin Luther King, Jr., Thurgood Marshall, Mary Church Terrell, Roy Wilkins, and Whitney Young.

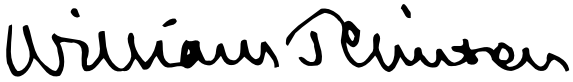
Forty years ago this month, a new chapter in African American history was written. On February 1, 1960, four courageous young men—freshmen at North Carolina Agricultural and Technical College in Greensboro—sat down at a segregated lunch counter in a local store and politely refused to leave until they were served. Their nonviolent action challenged a barrier that, symbolically and practically, had separated black and white Americans for decades and denied equal treatment to African American citizens. The extraordinary bravery and determination of Ezell Blair, Jr., Franklin McCain, Joseph McNeil, and David Richmond galvanized young men and women of conscience across America, setting in motion a series of student sit-ins in more than 50 cities and 9 States. Subjecting themselves to verbal abuse, physical violence, and unjust arrest, thousands of black and white students peacefully demonstrated to end segregation in restaurants, theaters, concert halls, and public transportation and called for equality in housing, health care, and education. Their story of conscience and conviction and their ultimate triumph continue to inspire us today.

The theme of this year's African American History Month is ''Heritage and Horizons: The African American Legacy and the Challenges of the 21st Century.'' It is a reminder that the new century on which we have just embarked offers us a unique opportunity to write our own chapter in the history of African Americans and of our Nation. We can use this time of extraordinary prosperity and peace to widen the circle of opportunity in America, to recognize that our society's rich diversity is one of our greatest strengths, and to unite around the fundamental values that we all share as Americans. We can teach our children that America's story has been written by men and women of every race and creed and ethnic background. And we can ensure that our laws, our actions, and our words honor the rights and dignity of every human being.

NOW, THEREFORE, I, WILLIAM J. CLINTON, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim February 2000 as National

African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs that raise awareness and appreciation of African American history.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of January, in the year of our Lord two thousand, and of the Independence of the United States of America the two hundred and twenty-fourth.



[FR Doc. 00–2452
Filed 2–1–00; 10:57 am]
Billing code 3195–01–P

Reader Aids

Federal Register

Vol. 65, No. 22

Wednesday, February 2, 2000

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@www.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, FEBRUARY

4753–4864 1
4865–5218 2

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7270 5217

5 CFR

581 4753
582 4753

7 CFR

301 4865
981 4867
Proposed Rules:
54 4780

12 CFR

Proposed Rules:
Ch. 1 4895

14 CFR

39 .....4754, 4755, 4757, 4760, 4761, 4870
71 .....4871, 4872, 4873, 4874
97 .....4875, 4877, 4879
Proposed Rules:
21 0000
25 0000
39 .....4781, 4782, 4784, 4786, 4788, 4790, 4792, 4793, 4897, 4900, 4902, 4904, 4906
71 .....4910, 4911
91 0000
108 4912
109 4912
111 4912
121 4912
125 0000
129 4912
191 4912

21 CFR

876 4881
1308 0000
Proposed Rules:
1310 4913

29 CFR

Proposed Rules:
1910 4795

30 CFR

938 4882

34 CFR

676 4886

36 CFR

Proposed Rules:
242 5196

38 CFR

Proposed Rules:
21 4914

39 CFR

111 4864
Proposed Rules:
111 4918

40 CFR

52 4887
Proposed Rules:
130 4919

42 CFR

Proposed Rules:
36 4797

45 CFR

1303 4764

47 CFR

1 4891
Proposed Rules:
73 .....4798, 4799, 4923
76 4927
95 4935

48 CFR

203 4864
209 4864
225 4864
249 4864
Proposed Rules:
30 4940

49 CFR

195 4770

50 CFR

17 4770
679 .....4891, 4892, 4893
Proposed Rules:
17 4940
100 5196
648 4941

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT FEBRUARY 2, 2000

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Marine mammals:
- Incidental taking—
  - Eastern Tropical Pacific Ocean; tuna purse seine vessels; compliance with International Dolphin Conservation Program; published 1-3-00

EDUCATION DEPARTMENT

Postsecondary education:
- Federal Supplemental Educational Opportunity Grant Program—
  - Relief from specific statutory and regulatory provisions; published 2-2-00

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:
- Pennsylvania; published 2-2-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
- Pratt & Whitney; published 12-29-99

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Avocados grown in—
- Florida; comments due by 2-11-00; published 12-13-99

Melons grown in—
- Texas; comments due by 2-9-00; published 1-10-00

Raisins produced from grapes grown in—
- California; comments due by 2-8-00; published 12-10-99

COMMERCE DEPARTMENT

International Trade Administration

Watches, watch movements, and jewelry:
- Duty-exemption allocations—
  - Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 2-7-00; published 1-6-00

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:
- Alaska; fisheries of Exclusive Economic Zone—
  - Pollock; comments due by 2-8-00; published 12-10-99
- Atlantic highly migratory species—
  - Atlantic pelagic longline fishermen; time/area closures; hearings and Advisory Panel meetings; comments due by 2-11-00; published 12-28-99
- Caribbean, Gulf, and South Atlantic fisheries—
  - Gulf of Mexico reef fish; comments due by 2-10-00; published 1-26-00
- West Coast States and Western Pacific fisheries—
  - Western Pacific Region pelagic; comments due by 2-10-00; published 12-27-99

Marine mammals:
- Incidental taking—
  - San Francisco-Oakland Bay Bridge, CA; pile installation demonstration project; comments due by 2-7-00; published 1-7-00

COMMODITY FUTURES TRADING COMMISSION

Commodity pool operators and commodity trading advisors:
- Advisors that provide advice by means of various media; registration exemption; comments due by 2-7-00; published 12-7-99

ENERGY DEPARTMENT

Energy Efficiency and Renewable Energy Office

Consumer products; energy conservation program:
- Central air conditioners and heat pumps; energy conservation standards; comments due by 2-7-00; published 11-24-99

ENVIRONMENTAL PROTECTION AGENCY

Air programs:
- Stratospheric ozone protection—
  - Essential-use allowances; allocation; comments due by 2-7-00; published 1-6-00

Air quality implementation plans; approval and promulgation; various States:
- Kansas; comments due by 2-10-00; published 1-11-00
- Missouri; comments due by 2-11-00; published 1-12-00
- Tennessee; comments due by 2-7-00; published 1-7-00

Hazardous waste:
- Identification and listing—
  - Exclusions; comments due by 2-7-00; published 12-9-99

Pesticides; tolerances in food, animal feeds, and raw agricultural commodities:
- Tebufenozide; comments due by 2-7-00; published 12-8-99

Solid wastes:
- Municipal solid waste landfill permit programs; adequacy determinations—
  - Kansas, Missouri, and Nebraska; comments due by 2-11-00; published 1-12-00
  - Kansas, Missouri, and Nebraska; comments due by 2-11-00; published 1-12-00

Superfund program:
- National oil and hazardous substances contingency plan—
  - National priorities list update; comments due by 2-7-00; published 1-7-00
  - National priorities list update; comments due by 2-7-00; published 1-7-00
- Toxic chemical release reporting; community right-to-know—
  - Phosphoric acid; comments due by 2-7-00; published 12-7-99

FEDERAL COMMUNICATIONS COMMISSION

Radio stations; table of assignments:
- Illinois; comments due by 2-7-00; published 1-21-00
- Kansas; comments due by 2-7-00; published 1-21-00
- Michigan; comments due by 2-7-00; published 12-30-99
- New York; comments due by 2-7-00; published 1-4-00
- Texas; comments due by 2-7-00; published 12-30-99

Satellite Home Viiewer Act; network nonduplication, syndicated exclusivity and sports blackout rules to satellite retransmissions; comments due by 2-7-00; published 2-2-00

Television broadcasting:
- Class A television service; establishment; comments due by 2-10-00; published 1-20-00
- Two way transmissions; mutlipoint distribution service and instructional television fixed service licenses participation; comments due by 2-10-00; published 1-26-00

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Human drugs and biological products:
- Postmarketing studies; status reports; comments due by 2-9-00; published 12-1-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Fellowships, internships, training:
- National Institutes of Health Contraception and Infertility Research Loan Repayment Program; comments due by 2-8-00; published 12-10-99

HEALTH AND HUMAN SERVICES DEPARTMENT

Inspector General Office, Health and Human Services Department

Medicare and State health care programs:
- Safe harbor provisions and special fraud alerts; intent to develop regulations; comments due by 2-8-00; published 12-10-99

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:
- Alabama sturgeon; comments due by 2-10-00; published 1-11-00

INTERIOR DEPARTMENT

Watches, watch movements, and jewelry:

Duty-exemption allocations—
Virgin Islands, Guam, American Samoa, and Northern Mariana Islands; comments due by 2-7-00; published 1-6-00

INTERIOR DEPARTMENT

Minerals Management Service

Outer Continental Shelf operations:
Minerals prospecting; comments due by 2-7-00; published 12-8-99

JUSTICE DEPARTMENT

Immigration and Naturalization Service

Immigration:
Extension of distance Mexican nationals may travel into U.S. without obtaining additional immigration documentation at selected Arizona ports-of-entry; comments due by 2-7-00; published 12-8-99

Organization, functions, and authority delegations:
Los Angeles and San Francisco Asylum Offices, CA; jurisdictional change; comments due by 2-7-00; published 12-8-99

JUSTICE DEPARTMENT

Organization, functions, and authority delegations:
United States Marshals Service; fees for services; comments due by 2-7-00; published 12-7-99

LIBRARY OF CONGRESS

Copyright Office, Library of Congress

Digital Millennium Copyright Act:
Circumvention of copyright protection systems for access control technologies; exemption to prohibition; comments due by 2-10-00; published 11-24-99

MERIT SYSTEMS PROTECTION BOARD

Practice and procedure:
Attorney fees; reimbursement; comments due by 2-7-00; published 12-23-99

RAILROAD RETIREMENT BOARD

Railroad Retirement Act:
Family relationships; inheritance rights; comments due by 2-7-00; published 12-8-99

SMALL BUSINESS ADMINISTRATION

Business loans:
Liquidation of collateral and sale of disaster assistance loans; comments due by 2-9-00; published 1-10-00

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness directives:
Airbus; comments due by 2-7-00; published 1-6-00
Bell; comments due by 2-7-00; published 12-8-99
Boeing; comments due by 2-7-00; published 12-8-99
Bombardier; comments due by 2-11-00; published 1-12-00
British Aerospace; comments due by 2-9-00; published 1-6-00
Eurocopter Deutschland GMBH; comments due by 2-8-00; published 12-10-99
Eurocopter France; comments due by 2-8-00; published 12-10-99
Fokker; comments due by 2-7-00; published 1-6-00
McDonnell Douglas; comments due by 2-7-00; published 12-22-99
MD Helicopters Inc.; comments due by 2-7-00; published 12-8-99
Pratt & Whitney; comments due by 2-7-00; published 12-8-99
Turbomeca; comments due by 2-7-00; published 12-8-99

Airworthiness standards:
Special conditions—
Ayres Corp. Model LM-200 Loadmaster airplane; comments due by 2-11-00; published 1-12-00

Class E airspace; comments due by 2-8-00; published 12-29-99

TREASURY DEPARTMENT

Balanced Budget Act of 1997; implementation:
District of Columbia retirement plans; Federal benefit payments; comments due by 2-11-00; published 12-13-99

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.